

CONVEYANCE OF LAND IN NEVADA; CONVEY LAND IN  
THE BEAVERHEAD-DEERLODGE FOREST, MT; EXCHANGE  
LAND IN IDAHO; FORT STANTON-SNOWY RIVER NATIONAL  
CAVE CONSERVATION AREA; AMEND THE PUBLIC LANDS  
CORPS ACT OF 1993; AND REVOKE LANDS IN CIBOLA  
NATIONAL WILDLIFE REFUGE, CA

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED NINTH CONGRESS  
FIRST SESSION  
ON

<b>S. 703</b>	<b>S. 997</b>
<b>S. 1131</b>	<b>S. 1170</b>
<b>S. 1238</b>	<b>H.R. 1101</b>

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JULY 20, 2005



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LAND IN THE BEAVERHEAD-DEERLODGE  
FOREST, MT; EXCHANGE LAND IN IDAHO;  
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**WEDNESDAY, JULY 20, 2005**

U.S. SENATE,  
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The subcommittee met, pursuant to notice, at 2 p.m. in room SD-366, Dirksen Senate Office Building, Hon. Larry E. Craig presiding.

**OPENING STATEMENT OF HON. LARRY E. CRAIG,  
U.S. SENATOR FROM IDAHO**

Senator CRAIG. Good afternoon, everyone, I would like to thank you all for attending this hearing of the Public Lands and Forests Subcommittee, the Committee on Energy and Natural Resources. First, let me welcome—in absentia for the moment—Senator Domenici, who will be here to testify. The ranking member of the full committee, Senator Bingaman, is with us. I would also like to welcome Senator Ensign, who is soon to arrive. Senator Ensign is here to discuss his Las Vegas Motor Speedway Land Conveyance bill, S. 703. Welcome to Joel Holtrop, Deputy Chief of the National Forest System from the Forest Service, and Larry Benna, Deputy Director of the Bureau of Land Management. Thanks for coming to testify on these pieces of legislation today. Last, I would like to welcome our two outside witnesses, Dr. Penny Boston, from New Mexico, who is here to testify on the Fort Stanton-Snowy River Cave Conservation Act, S. 1170, and Keith Johnson, our State Controller from my State of Idaho, who is here to testify on my bill, S. 1131, the Idaho Land Enhancement Act. We will also be taking testimony on S. 997, the Montana Land Conveyance for a Historical Cemetery, S. 1238, an amendment by Senators Feinstein, Bingaman and Domenici to the Public Land Corps Act of 1993, and H.R. 1101, a bill to revoke a Public Land Order related to a boundary on the Cibola National Wildlife Refuge. We anticipate showing

a video today of the Fort Stanton-Snowy River National Cave Conservation Act before we take testimony, and after, the committee chairman of the full committee, Senator Pete Domenici, and Ranking Member, Senator Bingaman, make their opening comments.

I do want to comment on my legislation, S. 1238—the Idaho Land Enhancement Act. Most people know that I don’t have a lot of patience for waste or inefficiency in government. When I see officials who are working to reduce waste or make a process more efficient, that does catch my attention. In this instance, I think the State and Federal officials are doing just that.

In May 2001, the residents of Boise decided to tax themselves to fund efforts to secure open space in the Boise Foothills. The Idaho Land Enhancement Act would authorize the exchange of State lands in the Boise Foothills for Forest Service and Bureau of Land Management lands in Idaho’s panhandle. Under this legislation, the people of Boise, the Boise area, get more open space; and the State and Federal agencies involved get a higher level of management efficiency in other parts of the State.

The process has been very open and transparent from the very beginning. I said that this must proceed in this manner, with all parties interested being allowed to comment in an open public process. That has been accomplished in a most admirable way, and I appreciate the efforts of all of the parties involved.

Additionally, the multi-agency group completed evaluations of timber values, minerals, cultural resources, water rights, legal access, wildlife, fisheries, vegetation, hydrology, wetlands, threatened and endangered species, and specific types of habitat. The evaluations show that no major environmental effect will occur as a result of the exchange. The Nature Conservancy have independently reviewed the data and compared it to their eco-regional planning efforts and concluded that the exchange has “limited potential to impact biodiversity values” and they support the exchange.

The exchange is an example of how local, State, and Federal partners can come together to collaboratively develop an exchange in which both the public and the land are the ultimate beneficiaries.

So, I want to thank all of those parties who have been involved in this. I will now turn to Senator Domenici and Senator Bingaman for their opening statements, and then to other members who have statements, prior to a viewing of the video.

Senator Domenici.

[The prepared statement of Senator Burns follows:]

PREPARED STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Mr. Chairman, thank you for holding this hearing on S. 997, the Montana Cemetery Act.

The Elkhorn Cemetery in Jefferson County has been used as a cemetery since the 1860’s. The cemetery is still used by families of the original homesteaders and miners.

In the early 1900’s, a survey was conducted to determine the Beaverhead-Deerlodge National Forest boundaries. Because of surveying errors and limited information, the Elkhorn Cemetery was included in the National Forest lands. However, it is clear the cemetery was in use prior to the designation of the National Forest.

However, Forest Service direction opposes burials on National Forest lands, placing both the families and Forest Service in an awkward position.

The Montana Cemetery Act conveys eight acres on the Beaverhead-Deerlodge National Forest to Jefferson County, Montana for continued use as a cemetery.

I understand the Forest Service is requesting consideration for the market value of the property and for the administrative costs associated with the conveyance. It should be noted Jefferson County has already paid \$5000 for a survey of the property. Since the County has borne a good portion of the administrative costs, I feel this is sufficient payment for the conveyance of eight acres.

I also am concerned the Forest Service feels the National Environmental Policy Act (NEPA) process applies to this land conveyance to ensure the historic and cultural values of the cemetery are maintained. I believe Jefferson County and the Montana State Historic Preservation Office can develop a plan that will ensure a reasonable level of protection for the cemetery. In addition, the ownership of the cemetery will revert to the Forest Service if the use of the land is changed.

The legislation is important to the residents of Jefferson County who want to legally inter family members in the cemetery. The Jefferson County Commissioners and residents of Jefferson County are supportive of this legislation.

I look forward to the Forest Service's testimony on this bill.

#### **STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO**

The CHAIRMAN. Thank you, Mr. Chairman. Both Senator Bingaman and I, as you know, are part of a conference on energy, and we very much appreciate your permitting us to go first on this agenda. I will be very brief.

In my home State, we have a new and exciting natural wonder that was discovered near Fort Stanton, New Mexico. I've had the luxury of going out to the site and having the video presented to me in the presence of many of the volunteers who were part of the excavation and found this. This exploration has continued over the years in other areas, but in 2001 further exploration led to the discovery by BLM volunteers, many of whom I have met, of a more than 2 mile-long snow white continuous calcite formation, which we see here on the right picture. It is too bad that many more hundreds of people can't get down there, but for now the entryway is rather difficult, and it's hard to get through, and volunteers go through in pairs or in foursomes, and with new modern cameras have been able to take pictures and send them out.

I was privileged to talk to the underground explorers by radio when I was at home, and they were having a marvelous time trying to explain the beauty of this. I'm certain that at some time, consistent with appropriate conservation, more people will be able to see it in person, but it never will be one that's open to thousands of people. But it is the world's largest formation of this type of calcite, and gives the scientific community many opportunities for exploration and for scientific evaluation. We don't know the full potential of that yet.

I'm very grateful that my colleague, Senator Bingaman, has agreed to co-sponsor this, and I thank the people from New Mexico that are here; in particular, Dr. Penny Boston, who is a director of the Cave and Karst Studies Program at New Mexico Tech. Thank you very much.

Senator CRAIG. Thank you, Senator Domenici.

Senator Bingaman.

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR  
FROM NEW MEXICO**

Senator BINGAMAN. Thank you, Mr. Chairman, I'm glad to be here also, and thank you for letting us speak at the start of this hearing. S. 1107, introduced by Senator Domenici and co-sponsored by me, is one of the bills you're having testimony on today. This is legislation to designate a conservation system for the Fort Stanton-Snowy River National Cave Conservation System. This is very consistent with what we have found in other parts of New Mexico. Of course, Carlsbad Caverns has been known for a very long time, Lechuguilla Cave is extremely well recognized internationally now for its size and features, and this will be, in addition to that. We do have this National Cave and Karst Research Institute that Congress established back in 1998, and that, of course, gives us some ability to do additional research. I want to join Senator Domenici and, in particular, Dr. Penny Boston for her work on this effort, particularly at New Mexico Tech. I know she is the expert, and has done a lot of the research that has been done to date, and so I look forward to seeing this video, and understanding a little better what this find entails. I think it is very good news, and I strongly support the effort to provide appropriate protection, thank you.

Senator CRAIG. Thank you very much, Senator Bingaman. So that we can hold this testimony on this specific issue together, we will show the video, and then we'll come to Senator Ensign. Your time allows that, John? It's a brief video. Thank you. And I would ask Larry Benna if he might do the narrative of this. And why don't you sit at the table and activate that mike, that would be great.

[Video played.]

Mr. BENNA. What you're seeing here are some of the cavers going through a smaller passage that leads into the larger caverns of the cave. This particular area is about 900 feet long, and about 600 feet of it is as tight crawling as you see here. There's also about 200 feet of it that consists of vertical climbs, as well as crawling on your hands and knees.

Senator CRAIG. I can understand why Senator Domenici didn't go down there, neither would I.

[Laughter.]

Mr. BENNA. It's very tight quarters in many instances, it's clearly a safety issue here, so this is a concern about limiting access to other than specific cavers.

What you're seeing here is the cavers are measuring the rate of air flow that is coming through the passages. You can see by the flag that is waving that the air flow is rather rapid. Air here is being measured at about 15 miles per hour, and they measure this consistently for several hours. The significant part of this is that the rate of air flow that rapid denotes that the size of the passages are probably a lot larger than what they've discovered so far, so the extent of the cave is quite a bit more.

Senator BINGAMAN. What is the source of the air that is coming out of there? I mean, why do you have that air constantly flowing out of there? Or is that not the right question?

Mr. BENNA. The Doctor can answer that.

Senator BINGAMAN. I'm sorry, I was jumping ahead, thanks.



Senator CRAIG. Dr. Boston, in her testimony, will get to it.

Mr. BENNA. What you're seeing here are, there's a lot of different formations within the cave, these are starlight formations, they have been named Starry Nights, what they actually are, are gypsum that has come through the bedrock of the caves themselves.

Senator CRAIG. Are any of these formations unique to this cave, not found in other cases?

Mr. BENNA. Yes, I believe they are. These are similar-type formations, you can get a better idea of them on the roof of one of the caves. This gives you an idea of some of the larger parts of the caves. Here you can see the clothing that the cavers are wearing. When they get into the cave, they bring in new clothing in plastic bags. That's to make sure there's no outside contamination that comes into the cave. Originally, I understand they were using some sort of an overall suit, but because of the sharpness and the abrasiveness of the formations, they were getting torn, so they found that just a set of clean clothes accomplished the same objective.

What you see here is a close up of one of the calcite formations, and again, this gives you an idea of how rough and abrasive the actual surface is.

Here's another photo of the cavers actually walking along the calcite formations on the floor of the cave, and its river-like appearance is what gives it the name Snowy River Caves. Just for your information, I'm told the combined caving experience of these five cavers is about 100 years.

And this stretch of the cave actually extends for more than 2 miles. This is a close up of what's called "mound shaped clouds of calcite" and this, I'm told, is a very uncommon formation, and it is really not known how this formation was formed. Extremely unique, high scientific value, a very significant find.

Thank you.

Senator CRAIG. Larry, thank you very much, that was fascinating.

The CHAIRMAN. Senator Bingaman, you asked a question about the volunteers in this area, always looking for caves, and how they get actually excavated down quite a bit, and quit, and then some new cavers, the ones that found it, got down in that hole and started digging a little bit more. And out came this constant flow of air, which meant there was a big cave under there, and they decided then to proceed. They got to the edge of something, and down about 8 or 9 feet was something, and they climbed down that and they found this cave which is right in the midst of everything. These volunteers, who worked there for years, and the lead man came upon it. He was there when I was there, talking about that experience. It is the wind coming out that gives you the idea that underground there is some activity, there is a cave that has some in and out flow, but somebody can explain that more technically; but that's what I understand.

Thank you, Mr. Chairman.

Senator CRAIG. To both of you, thank you very much.

Now we will turn to our colleague, John Ensign, for testimony in relation to the Las Vegas Speedway Bill.

**STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR  
FROM NEVADA**

Senator ENSIGN. Thank you, Mr. Chairman, I appreciate this opportunity to come before you and testify on this piece of legislation. If I could just ask that my full statement be made part of the record, and then I can summarize it as quickly as possible.

Senator CRAIG. Without objection.

Senator ENSIGN. The bill would authorize the sale, at fair market value, of 115 acres next to the Las Vegas Motor Speedway for use as a parking lot and no other use. If it was to be used for anything else, it would be reverted back to the taxpayers. The reason for this is obviously you don't want—and this is the reason that Las Vegas Motor Speedway is telling us they need it for parking—we have huge events now, NASCAR events, that keeps growing and growing and growing and they need this land for parking. We didn't want somebody just doing this and speculating and flipping the land and making a huge profit off of the Government, some may ask, because I'm the one who came up with the auction process in the first place in southern Nevada for BLM lands, why would we auction this land? Well, you can see, if it's just being used for a parking lot, you put it up for auction, somebody out there could basically outbid the people at the Speedway and then hold them hostage for this piece of property, and the Las Vegas Motor Speedway has been fantastic for the economy of southern Nevada, and we're not trying to get them for anything but fair market value, and we think this is the right way to go, to do a directed sale at a fair market value price.

The administration has put forward a proposal to—instead of the proceeds being used in the way we've talked about them—they've put forward a proposal that they would want money going into the treasury, that should scare every Western Senator, because no other Western State is treated that way by the BLM, it's either auctioned, or any other way. We know we at least have the BACA process where the money stays in that State to buy environmentally sensitive lands in that State, and we're certainly willing to look at that. We've proposed a similar modeling for the money we have with the Southern Nevada Public Lands Management Act, because that's worked so well for our State for some time.

Just to wrap things up, I think that it's obviously a simple piece of legislation, that's above-board and at a fair market value. Good appraisals can be done on this, and I think that it could be done to where the benefits go to the general public, because the money would be used for general public purposes. The southern Nevada economy is benefited because you've provided additional parking for the Las Vegas Motor Speedway.

So, I'd be more than happy to answer any questions that you may have.

[The prepared statement of Senator Ensign follows:]

PREPARED STATEMENT OF HON. JOHN ENSIGN, U.S. SENATOR  
FROM NEVADA, ON S. 703

Mr. Chairman, Senator Wyden, thank you very much for holding a hearing today on S. 703, a bill to sell Bureau of Land Management Land near Las Vegas, Nevada, to the Las Vegas Motor Speedway.

This bill is straightforward. S. 703 would require the Secretary of the Interior to sale approximately 110 acres of federal land to the Las Vegas Motor Speedway for use as a parking lot. The land is adjacent to the existing Speedway facility. S. 703 is supported by the entire Nevada Congressional Delegation and all local governments in southern Nevada.

The land is critically needed to provide outdoor parking to accommodate the increasing number of visitors who attend NASCAR events at this premier facility near Las Vegas. The last NASCAR event in March 2005 drew 156,000 participants in an estimated 30,000 vehicles. Due to the popularity of these events, the Speedway is adding an additional 14,000 seats. The addition of parking is necessary to ensure the long-term viability of the facility which is inextricably linked to Las Vegas' standing as a multi-faceted entertainment destination for millions of tourists from around the world. NASCAR events are a major boost to Las Vegas' tourist-based economy. Typically, all hotel rooms in the region are fully booked when the Speedway hosts major events.

S. 703 specifies that the BLM land must be sold to the Speedway at Fair Market Value. The land may only be used as a parking lot so the taxpayers' interest is protected—the land cannot be converted or sold for another use. Proceeds would be disbursed in accordance with the Southern Nevada Public Land Management Act of 1998 (SNPLMA). The land is not encumbered by any other existing rights.

I am certain the Administration will advocate an auction, as opposed to a direct sale, of the land. An auction will not work in this particular instance. The land identified for sale to the Speedway in S. 703 is *outside* the disposal boundary established by the Southern Nevada Public Land Management Act of 1998 (SNPLMA). SNPLMA established a boundary around the Las Vegas Valley for BLM land disposal with the understanding that the BLM land *inside* the boundary was suitable for development (either residential or commercial). A directed sale at Fair Market Value ensures that the land will only be used as a parking lot—an auction would allow real estate speculators to purchase and hold the land for a purpose that is inconsistent with local planning (which is not permitted by SNPLMA) and does not solve the parking problem at the Speedway.

As the author of the SNPLMA, I have not supported direct sales of land within the disposal boundary because I believe competition brings the highest price—and return to taxpayers—in a region where land is valuable and expensive. However, there will inevitably be a few instances where a direct sale is warranted. The economic benefit derived from the Speedway events is important to all citizens in southern Nevada.

I am willing to work with the Committee to address any concerns you might have with this measure. S. 703 without question has some ambitious timelines for the required appraisal and completion of other administrative requirements. While this bill proposes a straightforward sale, I want the sale to be carried out properly.

Thank you for holding this hearing and I look forward to working with you to move this bill forward expeditiously.

Senator CRAIG. Senator, any questions?

Senator BINGAMAN. I have none.

Senator CRAIG. John, thank you very much for your testimony. I know this committee over the years in working with you and Senator Reid has been as sensitive as it could be to the land-locked character, if you will, of your State, that is 90 plus percent public, if I remember correctly, isn't that correct? We both struggle with that situation in trying to allocate lands and growing in populated areas to public use or to other uses that are now public, State and in almost all instances, Federal land, so we thank you for bringing this before us.

Senator ENSIGN. And I thank you, and I just wanted to comment, by the way, on that video. That was really a neat, deep, geologic repository, I don't know what for, but just kind of a little experience with those—just a little joke there, Mr. Chairman.

[Laughter.]

Senator CRAIG. Unlike Yucca Mountain, that has no air flow—

Senator ENSIGN. I just thought that was such a nice, natural one, I could see a lot of uses for it.

Senator CRAIG. John, you and I both know growing up that walking past an anthill, it's often best to leave it unkicked.

[Laughter.]

Senator CRAIG. Thank you very much. For the sake of Senator Bingaman being here in relation to the New Mexico bill, we would ask Dr. Penelope Boston, director of Cave and Karst Studies Program, Department of Earth and Environmental Sciences, New Mexico Tech, and Larry Benna, Deputy Director of Bureau of Land Management, Department of the Interior, to come forward.

And I'll tell you what, Larry, we will ask you to do the Cave Bill first, and we will also ask Dr. Boston to do that, on behalf of our ranking member here, and then we will get on with the balance of the bills, and our other witnesses today. So, Dr. Boston, welcome before the Public Lands and Forests Subcommittee. Please proceed.

**STATEMENT OF DR. PENELOPE J. BOSTON, PH.D., NEW MEXICO INSTITUTE OF MINING AND TECHNOLOGY, SOCORRO, NM**

Dr. BOSTON. Thank you very much, I'm very happy to be here today to talk about a really spectacular find. You've had the opportunity to see it briefly, I just want to summarize a few of the main points that make this a very special find, and well worthy of this new class of conservation area within the BLM.

It's a world-class find, there's nothing else like it. Not only is it a lot of beautiful, sparkling white calcite, but it has genuine—and I think—unique scientific value in many different areas. Because this is very long, of course, that is what caught our attention initially, but the other aspect is it's actually a quite deep and thick deposit, we have very little data about it, but one of the things we do know is that from age dating right at the very top of this formation, that is a very young formation at the top, it is between 600 and 1,000 years old.

We suspect that the history of this formation probably captures geochemical signals that can illuminate, perhaps, the last 10,000 years of climate change within the area. Recording the hydrology of the Sacramento Mountains, and of course the hydrology of the mountain and desert regions are of extreme importance to the entire Western part of the United States. So, it's a unique opportunity to find continuously formed structures that can capture those record systems.

My own area of specialization is geo-microbiology, and I was on the initial science assessment into the cave. I was surprised and pleased to see black crust all over the walls, and to me, black crust means that organisms, microorganisms, have been at work there. The black crust, lime cavity within which Snowy River exists, and clearly pre-date it. We took samples of it, and tried to grow organism from it, and I was expecting to, perhaps, get lucky and hit a few and we turned out to get hundreds and probably thousands of new species, microorganisms that are novel that is unknown to science, so this is a very active material, these kinds of organisms we study in many of the caves in New Mexico and elsewhere in the United States and abroad, and they have great significance in terms of being geological agents. Many of them actually break down the bedrock, so they're essentially rock-eaters, and other ones

actually precipitate minerals—manganese and iron, gold, uranium, copper—and it now becomes clear to our science that these organisms play a major role, perhaps, in the deposits of low temperature economic minerals, and so they have many other ramifications.

The final point within the geo-microbiological realm is that there are types of bacteria known as actinomycete and streptomycetes that abound in Snowy River, and, in fact, in Fort Stanton Cave in general, and these are the organism groups from which we get all of our antibiotics, and so the biodiversity potential of this cave is very great.

The other point about it that is significant is that it was really written off as a “trash cave.” As you probably know, caves are uniquely subject to vandalism, being used as trash pits and things of that sort, so this was a very badly abused cave until a few decades ago when volunteers, working with the BLM, cleaned it up and began to protect it, put in gates, put in a fence around it, so I think it is an illustration of a great success story.

With regard to the piece of legislation at hand, caves and karst terrains present unique management challenges to the land agencies, and so therefore this is an opportunity to protect the surface and subsurface region that directly affects this cave.

Caves are unique insofar as not only the cave itself is critical to itself, but also it is at the bottom of a catchment area, and so therefore anything that comes into that catchment drainage area will find its way to the cave and karst aquifers and karst terrain is highly fractured, and so material that you put in at the top goes right to the basement level, very, very quickly with no filtration. The extent of the cave system is currently unknown, but of course as we’ve seen with Jewel Cave in South Dakota, the size of the cave and the boundaries put around it need to grow as the cave is further explored. The tremendous amount of airflow coming out of this cave mentioned before implies that there’s a large cavity underground, that there’s much more of this cave yet to be explored, and so therefore the feature of having a somewhat elastic boundary is to allow for further exploration is critical. As it goes to features, the surface protection as well as the subsurface protection, and a certain degree of flexibility in the area of the catchment basin we can protect are critical features of this legislation. So, I strongly support it, thanks.

[The prepared statement of Dr. Boston follows:]

PREPARED STATEMENT OF DR. PENELOPE J. BOSTON, PH.D., NEW MEXICO INSTITUTE  
OF MINING AND TECHNOLOGY, SOCORRO, NM

#### WHY CARE ABOUT CAVES AND KARST TERRAIN?

Human beings live primarily on Earth’s surface and are intimately familiar with much of the biology, geology, and other natural features that make up what we think of as our planet. But, beneath our feet in many parts of the world is an entirely unseen realm of great beauty, fragile biology, exquisite minerals, and a window inside the very skin of Earth. This realm is composed of Earth’s many caves, places that differ so much from the overlying surface environment that people often feel that they might as well be on another planet.

For those whose only experience of caves is an occasional childhood trip to a developed tourist cavern, the enormous diversity of Earth’s subsurface comes as a surprise. Caves can be tiny or immense and labyrinthine. They can be filled with water, filled with air or other gases, or even have major rivers and sinking streams run-

ning through them. Although most caves are formed in soluble rocks like limestone and dolomite, every major rock type can be acted on by cave-forming geological and hydrological processes. Some can be entered by natural openings while others are accidentally discovered during construction or road-building activities. There are jewel-like caverns in marble in California, sinkholes and caverns thickly dotting the rolling green landscape of the Cumberland Plateau and beyond, dramatic vertical systems in some of our jagged dolomite mountain ranges, tubes formed from molten lava on the flanks of volcanoes in New Mexico and the Pacific Northwest, rock shelters eroded into sandstone sea cliffs along many of our coasts, granite fissure caves in the New England states and many more varieties.

The term “karst” is a word that refers to landforms created by dissolving soluble rocks. Caves are one of the most characteristic features that occur typically in karst terrains. Besides caves, karst is frequently characterized by sinkholes that are potential geohazards to people and their structures but also can be water resources for wildlife. Aquifers that occur in karst, i.e., in highly fractured limestone or dolomite rock, are very different from ordinary sand aquifers. In the latter, water percolating from above takes time to move through the pores of the aquifer down to the water table. This relatively slow process through very small rock pores enables extensive filtration of the water to occur, thus helping to purify the water. In the case of karst aquifers, the water has a very rapid path through the many fractures in this type of rock, thus, if a pollutant enters a karst system at the surface, it practically has a super highway trip down to the water table. Little filtration can occur, thus making karst aquifers very susceptible to pollution. Karst terrain and caves impose extra and highly specialized management burdens on our land management agencies charged with their protection.

Despite the wonders of the underground world, caves and karst landforms are part of perhaps the least protected of all of our wilderness treasures. Because we don’t normally see them, out of sight is indeed out of mind. They have perennially been used as trash pits for all types of waste including even hazardous chemicals spilled or even purposely introduced toxic substances. The introduction of such foreign material into a delicately balanced, low organic nutrient system like a cave is tremendously detrimental to both the geology and especially the living organisms from microbes to delicate transparent cave fish and salamanders that live within them. Caves are regularly vandalized, their decorations removed for illicit sale or simply thoughtlessly smashed, the precious archaeological and paleontological remains in many caves are looted or destroyed. With the advent of the Internet and GPS technology, cave locations kept secret for decades have now become public knowledge attracting additional vandalism and looting.

Over the past few decades, the recreational caving community, cave scientists (speleologists), and conservationists have made major gains in raising the awareness of the public about the fragile nature of cave systems and the precious geological and biological resources that are housed within them. Many of these individuals, local caving groups (known as “grottoes”), and major organizations like the National Speleological Society, the American Cave Conservation Association, Karst Waters Institute, and others have worked closely with BLM, U.S. Forest Service, and NPS personnel to help in the management, scientific study, and conservation of the Underground. Indeed, caver volunteer hours are being documented in some areas and amount to literally tens of thousands of person-hours, often of highly skilled technically and scientifically trained people. The caves of the United States have benefited enormously from this major volunteer effort. However, volunteer efforts alone can go only so far. We must provide our land management agencies like the BLM with the tools they need to enforce protection of our underground wilderness.

#### WHY IS SNOWY RIVER SPECIAL?

The amazing sparkling calcite “frozen river” of Snowy River in Ft. Stanton Cave, NM is unique amongst known mineral formations of known caves in the world. This brilliantly white crystalline formation has been traced for over 2 miles in entirely pristine passage in otherwise well-known Ft. Stanton Cave. This cave has been visited since before historical times by indigenous peoples, and used extensively since colonization by European settlers. A few decades ago, Ft. Stanton was considered virtually a “trash cave” because of extensive vandalism and other abuse of its then-known passages. The dedicated efforts of a handful of volunteers and BLM personnel over the past number of years has restored this cave to its rightful place as a major cave resource managed by the Roswell BLM office under the State of New Mexico regional BLM. Cave explorers have now presented us with a splendid feature of unparalleled magnificence, a river of glittering crystals. Thus, the efforts to save a thoughtlessly trashed cave have rewarded us many fold.

Besides the scenic and scientific importance of the Snowy River formation itself, this passage contains other scientific finds of significance. My own research concerns the microorganisms that inhabit caves and contribute to the breakdown of bedrock and the precipitation of many biogenic minerals. Such organisms, though microscopically tiny, can act as major geological agents over time. Additionally, they are primarily novel species unknown to science. Each cave that we are studying yields up new sets of hundreds to thousands of new organisms. Such untapped biological wealth is ripe for exploration seeking sources of new pharmaceuticals, industrial agents like novel enzymes that can act in extreme chemical conditions, and insight into the microbial role in the very production of economically significant low-temperature ores including uranium, gold, copper, manganese, and many other minerals. As an example, Actinomycete and Streptomyces organisms are two of the major groups that produce the antibiotics upon which so much of modern medicine depends. These organisms abound in these environments and Snowy River is no exception. Black coatings full of manganese-oxidizing bacteria occur on much of the wall rock in the Snowy River Passage. Actinomycete colonies sparkle as shiny white and yellow dots on many of the walls throughout the cave.

Other scientists are interested in many other facets of Snowy River. Plans are afoot to date the age of the formation and to study the hydrological conditions that led to its occurrence. Geochemistry and isotopic data from both the sparkling calcite and other materials in the cave are of great interest. The climate history over the past few thousand years may be hidden in the chemistry and mineralogy of the River and its surroundings.

#### CONCLUSION

Today is the 36th anniversary of our first human landing on the moon by Buzz Aldrin and Neil Armstrong. That frontier still beckons us, but so too should the unexplored realms here on Earth. The cave frontier offers much promise for science, as a possible provider of biological and geological resources, and places of beauty to feed the human spirit. It is our duty to protect it as best we can.

Senator CRAIG. Dr. Boston, thank you very much.  
Larry.

#### **STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR**

Mr. BENNA. Thank you, Mr. Chairman and members of the committee, I want to thank you for the opportunity to testify today on a number of bills relating to the BLM.

As you suggested, Mr. Chairman, I will limit my first remarks to the Fort Stanton-Snowy River National Cave.

Senator CRAIG. If you would do that, Larry, we've got a vote that has just started. Senator Bingaman may have questions on your testimony singular to the cave. We will then break briefly and I'll go vote, return, and then proceed with the balance of our testimony. Please proceed.

Mr. BENNA. I'd be happy to do that, Mr. Chairman. I appreciate the opportunity to testify on S. 1170, the Fort Stanton-Snowy River National Cave Conservation Area Act, which will protect the special scientific values of this new discovery. I hope the video we showed provided members of the committee with a perspective on both the scientific and the significance of the resource that has been discovered here. I do have some additional pictures that are available for members to continue to look at.

The legislation before the committee today would create the first conservation area dedicated to protecting cave resources. We strongly support the goals of the legislation, and would like the opportunity to work with Senators Domenici and Bingaman and the

committee staff to modify S. 1170 to improve management of the area and to offer a number of technical refinements to the bill.

I think of significance, one of those refinements, as Dr. Boston has indicated, is we do believe that it would be important to include surface acres that are expected to have cave areas under them to ensure that we have appropriate protection for the cave resource. Each of the National Conservation Areas, or NCAs, as they're called, designated by Congress and managed by the BLM is unique, however for the most part they all do address certain critical elements, and these include mining and mineral leasing, and land law withdrawals, limits on off-highway vehicle use, and language which charges the Secretary to allow only those uses that further those purposes for which the conservation area is established. Furthermore, NCA proposals do not diminish the protections that currently apply to the lands. The Fort Stanton-Snowy River NCA proposal largely honors this spirit, and we would like the opportunity to work with the sponsors to further develop appropriate protections.

The Fort Stanton-Snowy River Cave Complex is important both scientifically and educationally, we look forward to working cooperatively both with the Congress and our many partners to see the vision for the caves becomes a reality. Thank you.

Senator CRAIG. Director Benna, thank you very much, let me turn to my colleague, Senator Bingaman, for any questions he might have.

Senator BINGAMAN. Thank you very much, Mr. Chairman, thank you both for being here and congratulations, Dr. Boston, on this find. You've both made the point that in order to adequately protect the cave, we need to protect the surface, and we need to protect as much surface as is necessary as the cave continues to be explored, and the size of it determined, and I certainly agree with that, and we need to make those changes in the legislation, as necessary.

Let me just ask Dr. Boston, why is the air coming out?

Dr. BOSTON. Well, it's a complicated answer, but I'll make it as simple as I can, we have several factors at work.

One is, of course, in a ventilated cave, you've got air masses of different temperatures, and the colder the air mass, the denser it is, and so they tend to flow in down along the passage, which then forces warm air out, and so that is one type of circulation. But even in closed passages, like Snowy River is largely closed, a recent study that we just did modeling the physics of Carlsbad Taverns shows that even just with the geothermal gradient, the heat coming from earth's interior below, one sets up large convection cells within a cave, and so the fact that there's a lot of air coming out of that passage is probably a result of these internally generated, thermally driven convection cells, and the speed of the wind is roughly proportional to the size of the cavity volume that you have, so whenever you're a caver and you feel strong wind flow, you're very excited because you anticipate much more cavity below than what you can see.

Senator BINGAMAN. That's very good. I appreciate that. I just note for the chairman's notice here that we need to get Senator Al-



exander informed that this is an opportunity to locate a wind turbine.

[Laughter.]

Senator BINGAMAN. He's a strong proponent of wind turbines on our committee.

Senator CRAIG. Except the blades won't fit in the cabin.

Senator BINGAMAN. Make it be up at the surface to take advantage of the air flow.

Thank you very much, I do need to excuse myself, but thank you very much.

Senator CRAIG. Dr. Boston, let me ask this question of you in relation to the air—is it then a circulation within the cavity?

Dr. BOSTON. Yes.

Senator CRAIG. Or is there air being pulled in from the surface?

Dr. BOSTON. It's probably a component of both. The Snowy River passage is being discussed as a separate cave, but actually it is a part of this large cave system, of which Fort Stanton is the historically known part. There are undoubtedly other passages, and so there are connections to the surface, although they're very restricted in size, so clearly both things are operating. There is external barometric pressure changes, of course, weather systems outside that help to affect what goes in the cave, but then there's a lot of internally generated action, and perhaps a lot of what goes on in terms of producing a mineral deposit as unique as Snowy River itself. The calcite depends upon what we call the micro-meteorological conditions within the cave, of which this airflow is an example.

Senator CRAIG. I understand that at the point, as far as you've found, you've found a water flow?

Dr. BOSTON. Yes, there is some water, there is residual water, and we're testing it for isotopic signatures to try to determine how old it is.

Senator CRAIG. And then the cave goes beyond that?

Dr. BOSTON. Yes, and it's very tiny. So even our smaller cavers are not small enough to try to get beyond there. But we believe that the passage probably opens out back into a large passage, perhaps another half a kilometer on. So we've only just begun to map the extent of this structure.

Senator CRAIG. This particular photograph that's on the easel now, can I assume that at the upper line, that was a water level at one time?

Dr. BOSTON. Yes, we call it Snowy River now, because it looks like a snow-laden river, but it actually was a river, it was an underground river, probably at the end of the Pleistocene, which was the last Ice Age, entering which we were in a much wetter climate regime in the Western States, and gradually over time, as the climate dried up and hydrology changes, there was less and less water flowing through the system and it essentially froze, in the mineral sense, but this is a large underground river conduit, and you're seeing the high water mark, as you suspected.

Senator CRAIG. And because it's at the bottom of a catchment basin, therefore it caught all of the mineralization that effectively moved in the water as it moved through the system?

Dr. BOSTON. Yes, this is a limestone system, so the groundwater becomes super-charged with the calcium carbonate in the water.

Senator CRAIG. Well, thank you both very much. Larry, if you will stay in place, I'm going to recess the committee briefly, run and vote, we'll be back, we'll take the balance of your testimony and that of the U.S. Forest Service, and then, of course, we'll have Keith Johnson before the committee also. With that, the committee will stand in recess.

[Recess.]

Senator CRAIG. The subcommittee will reconvene. We already have Larry Benna before us. Will Joel Holtrop, Deputy Chief, National Forest System, join us? Thank you both.

Larry, we'll let you continue to give testimony on the balance of the legislation that pertains to the Bureau of Land Management and then we'll turn to Joel for his testimony. Thank you.

Mr. BENNA. Thank you, Mr. Chairman. Again, I would like to reiterate that I would like to have the entirety of my written statements entered into the record.

Senator CRAIG. Without objection, it will be.

Mr. BENNA. Concerning S. 1131, the Idaho Land Enhancement Act, this Act authorizes the BLM and the U.S. Forest Service to move forward with an exchange which would secure Federal open space for residents of Boise and Ada Country, and in exchange, conveyance of Federal timbered lands to the State of Idaho, will provide the State with more long-term revenue than could be derived from its lands in the Boise foothills. The exchange authorized by S. 1131 is a milestone in a 30 year effort of conservation in the Boise foothills. The Department supports enactment of S. 1131.

S. 1131 requires that Federal land and the land to be exchanged in the bill to be of equal value, and if the values are not equal, the bill authorizes the equalization of value by cash payment to the United States or the State of Idaho, as appropriate. We will work with the committee on the technical matter described in our testimony.

Concerning S. 703, the Las Vegas Motor Speedway Land Transfer Act, the Department supports the goal of S. 703, but again, would like an opportunity to work with the sponsors of the bill and the committee to resolve some concerns with the bill.

The bill would convey by direct sale, approximately 113 acres of public lands managed by the BLM in Clark County, Nevada, to the Nevada Speedway. The lands would be used as a parking lot to alleviate parking congestion at the Las Vegas Motor Speedway, and are located directly adjacent to the land currently owned by Nevada Speedway. We would like the opportunity to work with the sponsors and the committee on a number of amendments providing for a competitive bid to ensure a fair return to the public, the handling of the receipts from the sale of the land, and to resolve some additional technical issues.

Concerning H.R. 1101, the Cibola National Wildlife Refuge modifications, again, we support H.R. 1101, which would revoke a portion of Public Land Order 3442, dated August 21, 1964. This Public Land Order withdrew approximately 16,600 acres of public domain lands along the Colorado River in California and Arizona for the Cibola National Wildlife Refuge. The withdrawal eventually in-

cluded a small area of approximately 140 acres in Imperial County at the southern boundary of the California portion of the refuge. Similar bills passed the House and Senate in the 108th Congress, but were not enacted. The inclusion of these 140 acres in Public Land Order 3442 was in error, and we believed the most equitable solution was the removal of the lands from the Refuge. There are no listed species inhabiting the 140 acres, and the area in question has, at best, marginal wildlife habitat. Removal of the 140 acres of land from the refuge would free up the area necessary for the continuation of the recreational concession, while still affording more than adequate protection.

In conclusion, thank you for the opportunity to testify on these bills. We look forward to working with the committee to resolve the issues discussed above. I'll be happy to try and answer any questions.

[The prepared statements of Mr. Benna and the Park Service follow:]

PREPARED STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS,  
BUREAU OF LAND MANAGEMENT, ON S. 1170

Thank you for the opportunity to testify in support of S. 1170, the Fort Stanton-Snowy River National Cave Conservation Area Act. This new discovery is both exciting and awe-inspiring. Our responsibility, as emphasized in the legislation, is to protect the special scientific values of this new discovery. As Senator Domenici stated upon introduction of his legislation, this new discovery "can only be described as magnificent." We agree completely.

#### BACKGROUND

The first documented exploration of the Fort Stanton Cave in south central New Mexico was in the mid-19th century, although there is evidence that native peoples previously explored its environs. This cave system has been extensively explored and is opened, on a permitted basis, to the public. Scout troops, amateur cavers (cave explorers) and the general public have explored this cave for years. Also, for many years volunteer groups of scientists, cavers and other professionals working in conjunction with the Bureau of Land Management (BLM) have been searching the Fort Stanton Cave system for additional passages that would expand the known cave system. In 2001, they confirmed a new passage into a previously unknown expansion of the cave system; public disclosure was delayed until just two months ago in order to ensure protection of the unique cave ecosystem. This initial discovery was spearheaded by BLM volunteers John Corcoran, Lloyd Swartz, John Mclean, Don Becker, and Andrew Grieco.

Following the discovery, a careful, systematic and scientific process of exploration of the expanded cave system began. Cavers have their own protocols to assure documented and scientific exploration of virgin passages. The first rule is to do no harm and proceed with caution. On discovery of a new extraordinary expansion of the cave system complex, while human instinct would compel us to charge forward, for cavers the imperative is to stop. Caves are fragile ecosystems and their wonders can be easily and unintentionally destroyed. Fighting against human instinct, they stopped and they studied before they proceeded. The rewards they have reaped have been numerous.

As they began their systematic and scientific search of the cave, they were careful to keep all contact with the non-cave world at bay. Entering the Snowy River Cave complex involves a 600-yard crawl through spaces no larger than 10 inches high. Upon arrival, all dirty clothes are changed and clean jumpsuits and shoes are then worn. No outside substances are brought into the cave and airflow is restricted so as not to contaminate or depressurize the cave environment.

Exploration of the Snowy River complex will be a slow and thoughtful process. The complex includes "Snowy River" of calcium carbonate (calcite) that runs at least two miles through the base of the cave. To our knowledge, this is a unique phenomenon probably caused by an ancient slow moving river which over centuries dissolved the calcite from the surrounding stone and re-deposited it as a snowy carpet down the length of the cave.

We are making additional exceptional discoveries throughout the cave. The BLM is partnering with the caving community, scientific community, and local universities to ensure that the cave's mysteries and resources are properly treated, studied and analyzed. Dr. Penny Boston, the Director of the Cave and Karst Studies program at New Mexico Tech indicates that 16 organisms have been isolated to date from the cave that are unique and may exist nowhere else in the world. These organisms appear to survive by eating rock. This discovery lends itself to possible practical applications in the field of pharmaceuticals.

The BLM is committed to continuing these and other partnerships to explore fully the Snowy River Cave system. To date, over two miles of the system has been mapped. The full extent of the system has not been determined, but the scientists and cavers tell us that they expect many more miles of cave passages are left to be explored. In addition, there are also numerous other caves within the Fort Stanton area which contain significant cultural resources now under study.

S. 1170

The legislation before the Committee today would create the first conservation area dedicated to protecting cave resources. Its goal is to "secure, protect, and conserve" the Fort Stanton-Snowy River cave system. We strongly support those goals and the legislation to implement them. We would like the opportunity to work with Senators Domenici and Bingaman and the Committee staff to modify S. 1170 to improve management of the area to offer a number of technical refinements of the bill.

Each of the National Conservation Areas (NCAs) designated by Congress and managed by the BLM is unique. However, for the most part they have certain critical elements, these include: public land, mining, and mineral leasing law withdrawal, OHV use limitations, and language which charges the Secretary to allow only those uses that further the purposes for which the NCA is established. Furthermore, NCA proposals do not diminish the protections that currently apply to the lands. The Fort Stanton-Snowy River NCA proposal largely honors this spirit and we would like the opportunity to work with the sponsors to further develop appropriate protections.

This NCA proposal is unique because of the unusual subterranean nature of the lands to be protected. Because the area is located within the old Fort Stanton military reservation (withdrawal revoked in 1956) the BLM already has some protections in place. It lies within both the Fort Stanton Area of Critical Environmental Concern (ACEC) and the 24,000 acre Fort Stanton Recreation Area. The current uses of the area which are largely recreational are compatible with the protections envisioned by the legislation.

At the same time, the world class nature of this discovery demands further protections as noted in S. 1170. We would like to work with the Committee to further clarify those protections and the area to be covered. Inclusion of surface as well as sub-surface is important. While in many places the cave system is 60 to 100 feet below the ground, in other places tree roots have been observed suggesting a close proximity to the surface. Some surface activities could affect the cave environment if safeguards are not in place. We believe it is important to draw some line around the area. Initial estimates are that an area of about 10,000 acres would likely cover the entire cave system which includes other significant caves. The establishment of this NCA would be consistent with the current uses of the area.

#### CONCLUSION

We want to express our deep appreciation to Senators Domenici and Bingaman for introducing this legislation to protect the important cave resources of the Fort Stanton and Snowy River Cave system. These are important resources—scientifically and educationally. We look forward to working cooperatively both with Congress and our many partners to see this vision become a reality.

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PREPARED STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS,  
BUREAU OF LAND MANAGEMENT, ON S. 703

Mr. Chairman, thank you for the opportunity to appear before you today to testify on S. 703, a bill that would convey by direct sale approximately 113 acres of public lands managed by the Bureau of Land Management (BLM) in Clark County, Nevada to the Nevada Speedway, LLC. The lands would be used as a parking lot to alleviate parking congestion at the Las Vegas Motor Speedway and are located directly adjacent to land currently owned by Nevada Speedway, LLC. The Administration does not object to the proposed conveyance in S. 703 but cannot support the

bill's distribution of revenues from the sale of these public lands. We would also like an opportunity to work with the sponsor of the bill and the Committee to ensure that the conveyance results in the best possible return for the public and to resolve some other concerns with the bill.

The land proposed for sale is within the southwest part of a designated community sand and gravel pit area. However, there are no ongoing sand and gravel operations on the lands proposed to be conveyed. No other leasing, commodity use, or production activities occur on the lands. Recreation use in the area is also limited.

S. 703 requires the Secretary to complete an appraisal of the land not later than 90 days after the date of enactment of the bill. Nevada Speedway, LLC has 30 days from the completion of the appraisal to submit an offer to the Secretary to acquire the lands at the appraised value. The Secretary then has 30 days to complete the conveyance. The Act directs the BLM to convey the lands to Nevada Speedway, LLC notwithstanding land use planning and other requirements provided for in sections 202 and 203 of the Federal Land Policy and Management Act (FLPMA) and withdraws the lands from all forms of entry. All costs associated with the appraisal and conveyance of the lands are to be paid by Nevada Speedway, LLC. The proceeds from the sale of the lands are to be distributed in accordance with section 4(e)(1) of the Southern Nevada Public Land Management Act (SNPLMA), which provides for the distribution of 5 percent of the proceeds to the State of Nevada general education program, 10 percent to Southern Nevada Water Authority, and 85 percent to the special account for the various resource purposes described in SNPLMA.

While the BLM supports the conveyance of these lands to Nevada Speedway, LLC, we would like to work with Committee to resolve some concerns with the legislation. First, the lands identified for conveyance are outside the SNPLMA disposal boundary and they are not identified for disposal in the BLM Las Vegas Resource Management Plan. The BLM, as a matter of policy and practice, and in accordance with FLPMA, uses its land use planning process to identify public lands suitable for disposal. Based on previous sales in Clark County, Nevada, it is likely that the lands identified for conveyance in S. 703 would be sold at a much higher price than their appraised value if the sale was completed through a competitive procedure. Therefore, to ensure a fair return to the public, the Department supports the sale of these lands via a competitive bidding process, as defined in Section 203 of FLPMA, rather than a direct sale to Nevada Speedway, LLC.

Second, because the lands proposed for conveyance fall outside of the SNPLMA disposal boundary, the Administration recommends that the proceeds of the sale be directed to the U.S. Treasury.

Finally, the Department would like to work with the Committee on some additional technical modifications to S. 703, including ensuring that the subsurface estate is conveyed along with the surface estate to prevent any split-estate issues.

Thank you for the opportunity to testify on this bill. We look forward to working with the Committee to resolve the issues discussed above. I will be happy to answer any questions.

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PREPARED STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS,  
BUREAU OF LAND MANAGEMENT, ON H.R. 1101

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to testify today in support of H.R. 1101, which will revoke a portion of Public Land Order 3442, dated August 21, 1964. This Public Land Order withdrew approximately 16,600 acres of public domain lands along the Colorado River in California and Arizona for the Cibola National Wildlife Refuge (NWR). The withdrawal erroneously included a small area of approximately 140 acres in Imperial County at the southern boundary of the California portion of the Refuge. A similar bill in the 108th Congress, H.R. 417, was passed by the House and by the Senate with an amendment, but was not enacted.

Prior to 1964, this property fell under the jurisdiction of the Bureau of Land Management (BLM). In 1962, the BLM issued a permit for a public recreation concession on 18 acres of the lands now in question. The concession is known as "Walter's Camp," and consists of a recreational vehicle park, a small marina, and a store, and the BLM estimates that Walter's Camp receives 11,000 visitors per year. Because neither the Fish and Wildlife Service (FWS) nor the BLM recognized the mistake in legal descriptions on the ground, the BLM continued to renew the original permit and the recreational concession use has continued, unbroken, to the present time. The current concession contract was issued by the BLM in 1980, under the provisions of Section 10 of the Reclamation Project Act of 1939 for a period of 20 years. Four extensions to the current contract have since been issued.

The National Wildlife Refuge System Administration Act of 1966, as amended, (Act) requires that all uses of refuge lands be compatible with the purpose for which the refuge was established. Section 4(a) of the Act and section 204(j) of the Federal Land Policy and Management Act both prohibit the Secretary of the Interior from revoking withdrawals of land within NWRs. For this reason, Congressional action is required to remove these lands from the Refuge System.

Since the inclusion of these lands in Public Land Order 3442 was a mistake, due to the prior existence of the concession, we believe the most equitable solution is removal of the lands from the refuge. There are no listed species inhabiting the 140 acres and the area in question is, at best, marginal wildlife habitat. Removal of the 140 acres of land from the refuge would free-up the area necessary for the continuation of the recreational concession, while still affording more than adequate protection for the nearest significant wildlife habitat feature, Three Fingers Lake.

We believe that withdrawal of these lands will benefit all parties involved—the concessionaire, the Service, the BLM and, ultimately, the public. For this reason, we support the bill and urge prompt action on enactment of H.R. 1101.

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PREPARED STATEMENT OF LAWRENCE E. BENNA, DEPUTY DIRECTOR, OPERATIONS,  
BUREAU OF LAND MANAGEMENT, ON S. 1131

Thank you for the opportunity to present the views of the Department of the Interior on S. 1131, the “Idaho Land Enhancement Act.” This legislation authorizes the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) to move forward with an exchange that has been developed in collaboration with the State of Idaho and the City of Boise. The exchange was initiated by the City of Boise to preserve open space in the Boise Foothills. Under S. 1131, conveyance of State-owned lands in the Boise foothills into Federal ownership will secure open space for residents of Boise and Ada County, and, in exchange, conveyance of Federal timbered lands to the State of Idaho will provide the State with more long-term revenue than could be derived from its lands in the Boise foothills. The exchange authorized by S. 1131 is a milestone in a 30-year effort of conservation in the Boise Foothills. The Department supports enactment of S. 1131.

ADMINISTRATIVE ACTION

A proposed multi-party exchange initiated by the City of Boise involving lands managed by the BLM, the USFS, and the State of Idaho (no privately-owned lands are involved) has been proceeding administratively. In accordance with the administrative process for land exchanges, the BLM and USFS completed a Feasibility Analysis, and, on April 26, 2005, the BLM, USFS, State of Idaho, and City of Boise signed an Agreement to Initiate for the Boise Foothills—Northern Idaho Land Exchange (Agreement). As the Forest Service does not have the authority to participate in a three party exchange absent Congressional authorization, S. 1131 is needed to effectuate the exchange Agreement.

S. 1131

The legislation authorizes the BLM and the U.S. Forest Service to proceed with the land exchanges described in the Agreement. As authorized by S. 1131, under the Agreement, the BLM is to convey approximately 605 acres of public land to the State of Idaho; the USFS is to convey approximately 7,220 acres of National Forest System land in the Idaho Panhandle and Clearwater National Forests to the State of Idaho; and the State of Idaho is to convey approximately 11,085 acres to the United States (6,930 acres to be managed by the BLM and 4,155 acres to be managed by the USFS).

AUTHORIZATION OF EXCHANGE

Section 3 authorizes the Secretary of the Interior and the Secretary of Agriculture (Secretaries) to complete the land exchanges described in the Agreement. The BLM is to convey four parcels which total approximately 605 acres, including Boise Peak (86 acres), Mt. Coeur d’Alene (120 acres), Skeel Gulch (80 acres), and Rock Creek (319 acres). Although forested, none of the BLM lands to be conveyed in this exchange contain old growth or officially designated old growth replacement stands. There is no current mining or mineral activity on the BLM lands, except in the Rock Creek parcel, where much of the area contains old mining prospects. There are no other permitted uses.

Although the 605 acres of public land to be conveyed out of Federal ownership by the BLM are not identified for disposal, we believe the exchange is in the public

interest because this exchange will result in a net gain of 3,156 acres of high value resource lands within designated retention areas, providing management protection for cultural resources and a variety of sensitive wildlife species. Acquisition of the State lands in the Boise foothills will help the BLM meet its management objectives to protect and enhance watershed resources, wildlife habitat, recreation opportunities, and scenic values.

The legislation authorizes the parties to enter into additional agreements that specify other terms and conditions necessary to complete the land exchange:

- provide legal descriptions of the Federal land and the State land to be exchanged;
- identify all reserved and outstanding interests in the Federal land and State land; and
- stipulate any cash equalization payments required.

The conveyances are subject to valid and existing rights. As part of the Agreement, the BLM, USFS, and State of Idaho reviewed, examined, and disclosed all valid existing rights on their respective lands.

S. 1131 also requires the Federal land and State land to be exchanged under the bill to be of equal value; and, if the values are not equal, the bill authorizes the equalization of value by cash payment to the United States or to the State of Idaho, as appropriate, in accordance with section 206(b) of the Federal Land Policy and Management Act (FLPMA). The value of the Federal and State lands is to be determined in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions, and the appraisals must be approved by the Secretaries. Any cash equalization payment received by the United States is to be used by the Secretary of Agriculture for the acquisition of land to add to the National Forest System in the state of Idaho.

The City of Boise passed a bond levy to support acquisition of properties on the Boise Front to preserve its natural character. The City will pay the costs associated with the conveyances outlined in the Agreement and this Act, including the costs of any field inspections, environmental analyses, appraisals, title examinations, and deed and patent preparations. The BLM will review the exchange package in its regular course of business (i.e., at no additional cost to the City of Boise).

#### MANAGEMENT OF FEDERAL LAND

Section 4 transfers administrative jurisdiction of approximately 2,111 acres of public land in Shoshone County, Idaho, currently managed by the BLM, to the USFS, to be managed in accordance with the laws and regulations applicable to the National Forest System. This area—called Grandmother Mountain—is completely surrounded by National Forest System lands that previously, as part of the Arkansas-Idaho Land Exchange Act of 1992 (P.L. 102-584), had been transferred from BLM management into the National Forest System. Consolidation of administrative jurisdiction in this area will improve the Federal government's management of the land and resources. Also, these 2,111 acres are in a Wilderness Study Area, and the legislation preserves Congress' options to act on this WSA by providing that after transfer to the USFS, this area will be managed in a manner that preserves the suitability of the land for designation as wilderness until Congress determines otherwise.

In addition, Section 4 requires the Secretary of the Interior to manage the land conveyed by the State of Idaho as *acquired* land (as distinct from public domain) under FLPMA and other applicable laws. Under FLPMA, the BLM manages both public domain and acquired lands under the same management structure and plans. The direction in S. 1131 that the lands conveyed by the State be managed as *acquired* lands affects only the ability to locate mining claims under the Mining Law of 1872 (which applies exclusively to public domain lands); exploration for and mining of locatable minerals on *acquired* lands is through a permitting process rather than by claim.

Finally, concerning land use planning, Section 4 provides that BLM need not do an amendment or revision to its resource management plans (RMP) upon acquisition of lands from the State of Idaho. The acquired lands are to be managed under the existing RMP applicable to that area, until the land use plans are updated in the regular planning process. The BLM's Coeur d'Alene Field Office is currently working on a Resource Management Plan that will replace the current land use plan. The Field Office held a scoping meeting earlier this year on the proposed changes to the RMP, and public comments have been generally favorable. The Field Office expects to issue a Draft plan revision by the end of calendar year 2005, and hopes to issue a Final RMP by December of 2006.

## MISCELLANEOUS PROVISIONS

Section 5 of the bill contains several miscellaneous provisions. This Section:

- authorizes the Secretaries and the Idaho State Board of Land Commissioners to modify the land descriptions in the Agreement to correct errors; make minor adjustments to the parcels based on a survey or other means; or reconfigure the parcels to facilitate the land exchange;
- provides that the written legal description shall prevail if there is a discrepancy between a map, acreage estimate, and written legal description of the Federal land or State land;
- provides that, subject to valid existing rights, any public land orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land. (No withdrawals are on the BLM land);
- provides that subject to valid existing rights, pending completion of the land exchange, the Federal land to be conveyed under this Act is withdrawn from all forms of location, entry, and patent under the mining and public land laws; and disposition under the mineral leasing laws and the Geothermal Steam Act of 1970.

As part of the administrative process detailed in the Agreement, the BLM had previously segregated the Federal lands proposed for exchange in the Agreement.

Section 5(e) of S. 1131 expresses the Congressional finding that the Forest Service and the BLM have conducted adequate analyses and reviews of the environmental impacts of the exchange authorized under this Act, and stipulates that no further administrative or environmental analyses or examination is required to carry out any activities authorized under this Act. As part of the Agreement, the BLM, Forest Service, and the City of Boise agreed to be jointly responsible for completing environmental and cultural review work on the Federal lands being transferred to the State of Idaho. The City of Boise is responsible for paying for contract environmental and cultural review work approved by all parties to the Agreement. The BLM, Forest Service, Idaho Department of Lands, and the City of Boise will be jointly responsible for completing mineral reports, to be paid for by the City of Boise.

Under the Agreement, initial NEPA scoping was done. The BLM and Forest Service have completed the following resource assessments: cultural/historic, Threatened and Endangered Species, biological, botanical, noxious weeds, timber, wetlands, floodplains, water resources, recreation, wilderness, visual, mineral and mineral potential. Pursuant to the Congressional Finding in Section 5(e), the BLM and Forest Service would carry out no further administrative or environmental analysis in completing the exchange delineated in the bill. We will work with the Committee so that there is a common understanding of the additional administrative or environmental review that would otherwise be undertaken by the agencies.

Thank you for the opportunity to testify on S. 1131. I would be glad to answer any questions.

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PREPARED STATEMENT OF THE NATIONAL PARK SERVICE,  
DEPARTMENT OF THE INTERIOR, ON S. 1238

Thank you for the opportunity to present for the record the views of the Department of the Interior on S. 1238, a bill to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests and for other purposes.

The National Park Service (NPS) has successfully implemented the Public Land Corps Act of 1993, to expand our youth service opportunities to carry out needed repairs and restoration projects within the National Park System. With the passage of the Recreation Fee Demonstration Program in 1996 (P.L. 104-134; U.S.C. 4601-6a), funding was available to implement the NPS Public Land Corps program in 1997.

As required in the recreation fee demonstration legislation and in the recently passed Federal Lands Recreation Enhancement Act (P.L. 108-447), funds acquired through the recreation fee program may be used only for specific purposes. For that reason, NPS Public Land Corps projects must focus on repair, maintenance and facility enhancement related directly to visitor enjoyment, education, access, services and health and safety or on habitat restoration related directly to wildlife dependent recreation.

The NPS regards the Public Lands Corps Program as an important and successful example of civic engagement and conservation. The program is unique because non-profit agencies such as the Student Conservation Association and the National Asso-



ciation for Service and Conservation Corps serve as the primary partners in administering the Public Land Corps program. In addition, any nonprofit youth organization may participate such as the Boy and Girl Scouts, local high schools and job training youth organizations. Each year over 300 parks apply for work grants of up to \$25,000. The nonprofit youth organizations assist the NPS in its efforts to attract diverse audiences to the parks by recruiting youth 16 to 25 years of age from all socioeconomic, cultural and ethnic backgrounds. Since 1997, the Public Land Corps has funded more than 2,000 work projects with more than 100 parks participating on an annual basis.

S. 1238 would allow the National Park Service to expand the current work it accomplishes with the Public Land Corps by creating an additional type of project to promote healthy forests and authorize appropriations for these projects. The legislation would not adversely affect the National Park Service's ability to continue its practice of funding other Public Land Corps projects through the use of proceeds from the recreation fee program. In addition, we would still be able to prioritize projects according to the needs of the parks. Therefore, the Department of the Interior has no objection to this legislation. However, funding for projects authorized by this legislation would be subject to current and future budgetary constraints and the Administration's priority-setting process.

Senator CRAIG. Thank you, Larry, thank you very much. Your concerns in relation to certain specific portions of any of the bills, of course, will be looked at and we will work with the Bureau to see if we can resolve them as best we possibly can.

Mr. BENNA. Thank you, Mr. Chairman.

Senator CRAIG. Joel, please proceed.

**STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. HOLTROP. Mr. Chairman, thank you for giving me the opportunity to present the views of the U.S. Department of Agriculture on S. 997, the Montana Cemetery Act of 2005, S. 1131, the Idaho Land Enhancement Act of 2005, and S. 1238, the Public Lands Corps Healthy Forest Restoration Act. I will ask that my entire written statement, which I will summarize, be made part of the hearing record.

Senator CRAIG. Without objection, it will be.

Mr. HOLTROP. S. 997, Montana Cemetery Act of 2005—this legislation directs the Secretary to convey, for no consideration, all right, title and interest in 10 acres of land within the Beaverhead-Deerlodge Forest, Montana to Jefferson County, Montana to be used for cemetery purposes. The parcel to be conveyed is a National Register-eligible property, that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. The 10-acre conveyance will provide a sufficient amount of land to accommodate all known grave sites. The Department support S. 997. We would like to work with the committee to ensure that the land conveyed will be managed with due consideration for the historic and cultural values associated with the cemetery. The Department also recommends that the conveyance of the public land to the State include consideration for the market value of the property, and the for the administrative cost associated with the conveyance.

S. 1131, Idaho Land Enhancement Act. The Idaho Land Enhancement Act would authorize the Forest Service and Bureau of Land Management to enter into a collaborative exchange with the State of Idaho and the city of Boise, Idaho. The Department sup-

ports enactment of S. 1131. The exchange was initiated by the city of Boise to preserve open space in the Boise foothills, the goal was to reduce the potential of scenic and recreational lands that are highly valued by the city of Boise from being developed, to increase long-term financial returns to the Idaho State Endowment Fund, and to improve land management through consolidation of land ownership on Federal and State lands. In addition, the proposed land exchange addresses threats upon managed recreational use, habitat fragmentation and fire and fuels reduction in both northern and southern Idaho.

In April, the city of Boise, the Idaho Department of Lands, the Forest Service and BLM signed an agreement to initiate an exchange which provides the framework for S. 1131. Under the proposed exchange, approximately 7,200 acres of National Forest System land between the Idaho Panhandle National Forest and the Clearwater National Forest would be conveyed to the State of Idaho. Approximately 11,000 acres of land under the jurisdiction of the Idaho Department of Lands would be conveyed—to the Bureau of Land Management, 7,000 acres, and to the U.S. Forest Service, 4,000 acres. In addition, 2,100 acres in the Grandmother Mountain Area, identified as a wilderness study area under BLM's jurisdiction in Shoshone County, Idaho, would be transferred to the Secretary of Agriculture to be managed on the Idaho Panhandle National Forest in a manner that preserves the suitability for designation as wilderness until Congress determines otherwise.

The administrative costs associated with the conveyance of the Federal land and State land would be paid by the city of Boise, pursuant to the congressional finding in section 5(e), the Forest Service would carry out no further administrative or environmental analysis in completing the exchange, as delineated in the bill.

We recommend two amendments to the bill, first, amend section 4(e) to modify the boundaries on all four of the affected national forests to accommodate the State of Idaho parcels that would be acquired by the Forest Service, which would be outside of the existing National Forest boundaries. Second, amend section 3(d) to allow for the deletion of parcels as an alternative method for equalizing values. The intent of this section is to require that the exchange be of equal value between State and Federal lands. Cash equalization is the only method provided to achieve this result under S. 1131, as introduced.

And finally, S. 1238, the Public Lands Corps Healthy Forest Restoration Act. S. 1238 would amend the Public Lands Corps Act of 1993 to direct the Secretary of Agriculture and the Secretary of the Interior in carrying out priority projects in a specific area to give preference to the maximum extent practicable to qualified Youth or Conservation Corps located in that specific area that have a substantial portion of members who are economically, physically or educationally disadvantaged. It is important to recognize that implementation of some priority projects require a certain amount of maturity, decisionmaking capability, perspective and attention to safety, it is both appropriate and necessary to provide the Secretary the discretion in determining the type of priority projects suitable for the target corps.

The Department support S. 1238, the Department would like to work with the committee and bill sponsors to ensure specific conservation corps would be covered under S. 1238 since we work with several programs that service disadvantaged youth.

This concludes my statement, I would be happy to answer any questions you may have.

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON S. 997, S. 1131, AND S. 1238

Mr. Chairman and Members of the Subcommittee, thank you for giving me the opportunity to present the views of the U.S. Department of Agriculture on S. 997, the Montana Cemetery Act of 2005; S. 1131, the Idaho Land Enhancement Act of 2005; and S. 1238, the Public Lands Corps Healthy Forest Restoration Act.

S. 997—MONTANA CEMETERY ACT OF 2005

This legislation directs the Secretary to convey for no consideration, all right, title, and interest in 10 acres of land within the Beaverhead-Deerlodge National Forests to Jefferson County, Montana to be used for cemetery purposes. The Department is supportive of S. 997, but would recommend that the Committee add provisions to the legislation that will protect historic interests and provide consideration to the Federal government for the conveyance.

The parcel to be conveyed to Jefferson County is currently being used for cemetery purposes but a special use authorization has never been issued for this purpose. The 10-acre conveyance will provide a sufficient amount of land to accommodate all known grave sites and any additional sites that may be outside of the concentration of known sites. In addition the conveyance is of adequate size to include the cemetery parking lot so that it will be located on private property.

The parcel to be conveyed is a National Register eligible property that contributes to the significance of the Elkhorn town site and the Elkhorn historic mining district. We would like to work with the committee and through the NEPA process to ensure that the land conveyed will be managed with due consideration for the historic and cultural values associated with the cemetery.

Also, we are concerned about conveying public land to other jurisdictions without any form of consideration. The Department does not object to making the Federal land available for use as a cemetery, but requests that the conveyance of the public land estate include consideration for the market value of the property and for the administrative costs associated with the conveyance.

S. 1131—IDAHO LAND ENHANCEMENT ACT

The Idaho Land Enhancement Act would authorize the Forest Service and the Bureau of Land Management (BLM) to enter into a collaborative land exchange with the State of Idaho and the City of Boise, Idaho. The exchange was initiated by the City of Boise to preserve open space in the Boise foothills. The exchange culminates a long-term effort by all parties to preserve the character of the Boise foothills, to increase long term financial return to the Idaho State Endowment Fund and to improve land management through consolidation of land ownership on federal and state lands. The Department supports enactment of S. 1131. We have a few recommendations that we would like the committee to consider.

The Boise metropolitan area is one of the fastest growing regions in the nation. The Boise foothills region provides a scenic backdrop as well as multiple opportunities for outdoor recreation activities by area residents. The State of Idaho manages approximately 6,000 acres of State Endowment lands within the Foothills that have significant residential development potential. These lands have a State Constitutional mandate to maximize revenue to benefit State public schools. These lands currently yield very little revenue from livestock grazing or from any other source thus there are incentives to convey the land out of public ownership.

To reduce the potential of scenic and recreational lands that are highly-valued by the City of Boise from being developed, S. 1131 proposes to convey lands in the foothills from the State of Idaho to the BLM and the Forest Service. To equalize the value of the exchange, federal timbered lands under the jurisdiction of the Forest Service would be conveyed to the State of Idaho. The administrative costs associated with the conveyance of the Federal land and State land would be paid by the City of Boise.

The proposed land exchange addresses threats of unmanaged recreational use, habitat fragmentation, and fire and fuels reduction in both Northern and Southern Idaho. This proposal has been proceeding through the administrative process for land exchanges. Upon determination that the exchange was feasible and worthy of continued study, on April 26, 2005, the City of Boise, Idaho Department of Lands, Forest Service and the BLM signed an agreement to initiate an exchange.

As part of the agreement, BLM, the Forest Service and Boise City agreed to be jointly responsible for completing environmental and cultural review work on Federal lands being transferred to the State of Idaho. Boise City is to pay for contract environmental and cultural review work approved by all parties to the agreement. BLM, the Forest Service, Idaho Department of Lands, and Boise City will be jointly responsible for completing mineral potential reports, also to be paid for by the City of Boise.

Under the agreement, initial NEPA scoping was done. BLM and the Forest Service have completed the following resource assessments: cultural/historic, Threatened and Endangered Species, biological, botanical, noxious weeds, timber, wetlands, floodplains, water resources, recreation, wilderness, visual, socio-economic and environmental justice, mineral and mineral potential. Pursuant to the Congressional Finding in Sec. 5(e), the Forest Service would carry out no further administrative or environmental analysis in completing the exchange as delineated in the bill. We will work with the Committee so that there is a common understanding of the additional administrative or environmental review that would otherwise be undertaken by the agency.

This agreement provides the framework for S. 1131. Under the proposed exchange, approximately 7,220 acres of National Forest System land within the Idaho Panhandle National Forest and the Clearwater National Forest would be conveyed to the State of Idaho. Approximately 11,085 acres of land under the jurisdiction of the Idaho Department of Lands would be conveyed to the Bureau of Land Management (7,000 acres) and to the U.S. Forest Service (4,085 acres). In addition 2,111 acres in the Grandmother Mountain area currently under the jurisdiction of the Bureau of Land Management in Shoshone County, Idaho would be transferred to the Secretary of Agriculture to be administered by the Forest Service on the Idaho Panhandle National Forests.

Management of National Forest System lands within the Idaho Panhandle, Boise, Wallowa-Whitman and Clearwater National Forests would be improved with the consolidation of land ownership patterns achieved by the Act. Efficiencies will be realized by reducing the number of joint-use roads and easements, and decreasing costs associated with boundary management. Consolidation of National Forest ownership within the Elk Creek watershed will prevent habitat fragmentation and increase opportunities for public recreation in a popular area of the Clearwater National Forest. Likewise, the State of Idaho and the BLM will benefit from land ownership consolidation and increase ability to achieve important management objectives.

The 2,111 acre Grandmother Mountain tract is in an area where other land under BLM jurisdiction was previously transferred to the Forest Service. Through the Arkansas-Idaho Land Exchange Act of 1992 approximately 10,000 acres of land administered by the BLM were conveyed to the Forest Service. The 2,111 acre remaining BLM tract is identified as a Wilderness Study Area. The legislation provides that land transferred to the Forest Service that was previously designated as a Wilderness Study Area shall be managed in a manner that preserves the suitability of the land for designation as wilderness until Congress determines otherwise.

We would like to work with the committee to implement the following recommendations concerning this bill. The intent of Sec. 3(d) is to require that the exchange be of equal value between state and federal lands, however, the cash equalization provision is the only method described to facilitate this result. Since none of the parties wish to incur a large cash obligation, we recommend adding a provision allowing for the deletion of parcels as an alternative method of equalizing values.

There are several of the State of Idaho parcels that would be acquired by the Forest Service that are located adjacent to but outside of the existing National Forest boundaries. We recommend amending Sec. 4(e) to modify the boundaries on all four of the affected National Forest to accommodate these parcels.

#### S. 1238—PUBLIC LANDS CORPS HEALTHY FOREST RESTORATION ACT OF 2005

The Department supports S. 1238. However, the Department would like to work with the committee and bill sponsors to ensure specific conservation corps would be covered under S. 1238 since we work with several programs that service disadvantaged youths.

S. 1238 would amend the Public Lands Corps Act of 1993 to direct the Secretary of Agriculture and the Secretary of the Interior, in carrying out priority projects in a specific area, to give preference, to the maximum extent practicable, to qualified youth or conservation corps located in that specific area that have a substantial portion of members who are economically, physically, or educationally disadvantaged. Priority projects are those that will: (1) reduce wildfire risk to communities, municipal water supplies, or other at risk Federal land; (2) protect a watershed or address a threat to forest and rangeland health, including catastrophic wildfire; (3) address the impact of insect or disease infestations or other damaging agents on forest and rangeland health; (4) protect, restore, or enhance forest ecosystem components to promote recovery of threatened and endangered species, to improve biological diversity, or to enhance productivity and carbon sequestration.

It is important to recognize that implementation of some priority projects requires a certain amount of maturity, decision-making capability, perspective and attention to safety. It is both appropriate and necessary to provide the Secretaries the discretion in determining the types of priority projects suitable for the target corps.

In many respects, the goals of S. 1238 are consistent with existing authorities that the Department has supported, including the Healthy Forests Restoration Act (HFRA) [P.L. 108-208], the original Public Land Corps Act of 1993, P.L. 103-82 Title II, and the Youth Conservation Corps Act of 1970, P.L. 91-378.

However, the Administration does have concerns about the Committee's expectation regarding the authorization of specific appropriations contained in the bill given current and future budgetary constraints.

This concludes my statement, I would be happy to answer any questions that you may have.

Senator CRAIG. Well, Joel, thank you very much. I have no questions at this time, but we will work with you on your suggestions in relation to S. 1131. I think those are good, solid recommendations, and we will see if that cannot be resolved. Let me thank you both very much.

Mr. BENNA. Thank you, Mr. Chairman.

Mr. HOLTROP. Thank you, Mr. Chairman.

Senator CRAIG. Now, let me invite before the committee Keith Johnson, controller of the State of Idaho, Keith. It's a pleasure to have you before the committee.

**STATEMENT OF KEITH L. JOHNSON, CONTROLLER,  
STATE OF IDAHO, BOISE, ID**

Mr. JOHNSON. Good afternoon, I am the Idaho State Controller, and I'm here by assignment, and I wanted to let you know that I am here not as the State's Chief Accountant, but as a member of the State Board of Land Commissioners. The State Controller is one of five members of that Board of Land Commissioners that's responsible for management policy direction for the endowment lands in the State of Idaho. I also have submitted written comments that I would like to include as a part of the record.

Senator CRAIG. Keith, your full statement will become a part of the record. Thank you.

Mr. JOHNSON. Thank you.

I am here before you today to endorse and request your support for the Idaho Lands Enhancement Act, or S. 1131, because of its benefits to citizens, to schools, to communities as well as the Federal and State agencies that are involved in the legislation. As has been noted, directs the Secretaries of the Interior and Agriculture to exchange lands that are currently owned and managed by the Federal Government, with lands owned and managed by the State of Idaho.

Passage of this legislation will grant the authority to ultimately provide the State of Idaho with more timberland, meaning greater

revenue to our public schools. The people of Idaho will get more open space, the Federal lands will be protected from development and other limited uses forever. Additionally, Federal and State agencies will increase efficiency in managing those lands for fire and basic species and recreation.

Invasive species and recreation—the State-owned parcels in the Boise Foothills subject to this are currently endowment plans that are required under the State Constitution to be managed for the maximum financial return to the beneficiaries, primarily, public schools in Idaho. Historically, these lands have provided revenue to the beneficiaries through leasing the ground to cattle and sheep ranchers for grazing, however, those opportunities are becoming more limited due to the economics of ranging in an urbanized setting. Moreover, the State cannot legally, directly convey these parcels to the city of Boise, nor can we, as a landlord, manage them for non-monetary or purely aesthetic reasons. We have a constitutional mandate as fiduciaries to maximize financial return to those beneficiaries, so we needed a way to protect that open space and the desire of the local community without negatively affecting the financial condition of those local beneficiaries. This proposal and exchange provides the means to make that possible.

Commercial timberlands in Idaho currently provides over \$50 million each year, primarily to benefit the public schools in Idaho. Passage of this legislation will enhance our ability to provide funding for schools, while providing the desired benefits to the community and the other government agencies.

The exchange involves approximately 20,000 acres in 7 Idaho counties. A tremendous amount of effort has gone into this exchange, all parcels in the exchange have been evaluated for legal boundaries and cumbances, legal access, mineral potential, hazardous materials, threatened and endangered plant and animal habitat, wetlands, cultural resources and timber types, to ensure equal economic value between the State and Federal holdings.

From the beginning, as the concept of this exchange was being developed, a primary goal was to identify a land exchange package that was absent of environmental resource concerns. The surveys were conducted by professional staff, the analysis was rigorous and included a mix of private and independent contractors, as well as professional staff from the Department of Lands, and the Clearwater National Forest, where the bulk of the Federal parcels are going to be located. We held a series of public forums to solicit public comment, meetings were held with county commissioners to get their input, public participation was solicited throughout the series of open houses.

Senator Craig, Congressman Butch Otter and Governor Dirk Kempthorne held a joint news conference to help advertise the opportunity to comment on the exchange, a website had been developed, by the city of Boise to provide information, including copies of the legislation and gave the public an opportunity to comment. Conservation and environmental groups were specifically solicited for input and tribal governments were also engaged to provide comment.

The proposal enjoys overwhelming support in Idaho, the exchange encourages both common sense and improved economics.

We think it makes sense for the State to increase revenues to the public school endowment while ensuring open space access to the citizens. We think it makes sense to save money to have publicly managed lands connected or contiguous for ecosystem-wide management. It makes sense for the State of Idaho and the Federal Government to have better access to prevent and battle invasive species and wild land fires, and it makes sense to provide more recreational opportunities and access to our public lands for our citizens.

From the environmental community, to public officials to land managers, everyone seems to view this as a win-win endeavor. The concept for the exchange has been open, transparent, it has been wise, and it has indeed been bipartisan and very strong support in the State of Idaho. It is an example of how local, State and Federal partners can come together to work on an issue to develop an exchange which the public and the land are the ultimate beneficiaries.

Consequently, I'm here to urge your support in the passage of the legislation, and certainly answer any questions that I can for you. Thank you.

[The prepared statement of Mr. Johnson follows:]

PREPARED STATEMENT OF KEITH L. JOHNSON, IDAHO STATE CONTROLLER

Mr. Chairman, as Idaho's State Controller, I am one of five members of the State Board of Land Commissioners (Land Board) which is comprised of five of our state's elected officials. This includes the Governor, the Secretary of State, the Attorney General, the Superintendent of Public Instruction and myself, the State Controller. The State Land Board, as trustee, is charged under the Idaho Constitution with the management of state endowment lands and funds to maximize the long-term financial return to certain beneficiaries within the state, most notably the public schools in Idaho.

I come before you today to endorse and request your support for The Idaho Lands Enhancement Act (S. 1131) because of its benefits to citizens, schools and communities as well as the federal and state agencies involved. This collaborative piece of legislation directs the Secretaries of Interior and Agriculture to exchange lands that are currently owned and managed by the federal government with lands owned and managed by the State of Idaho from the Boise Foothills to North Idaho. While my testimony today is my own and is not intended to be a representation of the views of the Land Board as a whole, the board has been involved in this matter from its inception and has voted unanimously to support it.

Passage of this legislation will grant the regulatory authority for this agreement which will ultimately provide the State of Idaho with more timberland, meaning greater revenue to Idaho's public schools. The people of Idaho, particularly those living in the Boise Valley, will get more open space, a precious commodity in one of this nation's fastest growing communities. These lands will be protected from development and other limiting uses forever. Additionally, federal and state agencies will increase efficiency in managing their lands for fire, invasive species, and recreation with their land holdings consolidated, rather than scattered.

The state-owned parcels in the Boise Foothills subject to this exchange are endowment lands that are required under the state constitution to be managed for the maximum benefit of the beneficiaries of the endowment such as public schools. Historically, these lands have provided revenue to the school endowment by leasing the ground to cattle and sheep ranchers for grazing. However, the opportunities for maximum return from this practice are becoming more limited due to the economics of ranching in a more urbanized location versus other competing uses for these lands. The State cannot legally simply convey these parcels to the City of Boise nor can we manage them for non-monetary returns such as recreational or aesthetic purposes. Because of the constitutionally mandated fiduciary duty we have as a board to maximize financial return, we needed a way to protect the open space desires of the local community without negatively impacting the financial condition of the beneficiaries of the endowments. This proposed land exchange is the means to make that possible.

The land board currently manages approximately 750,000 acres of commercial timberland in Idaho. These endowment lands are the principal source of revenue to the beneficiaries, bringing in over \$55,000,000 annually, which benefits the public school children in Idaho. Passage of S. 1131 will enhance our ability to provide funding for Idaho's public schools while providing the desired benefits for the community and other government agencies.

The Idaho State Board of Land Commissioners voted last year in a public meeting to grant conceptual approval of this exchange. Final approval is pending the successful passage of this legislation.

All told, the exchange involves approximately 20,000 acres in 7 Idaho counties. A tremendous amount of effort has gone into this exchange. All parcels in the exchange have been evaluated with regard to legal boundaries, encumbrances, legal access, mineral potential, hazardous materials, threatened and endangered plant and animal habitat, wetlands, cultural resources and timber types and volume to ensure equal economic value between the state and federal holdings.

From the very beginning as the concept of this exchange was being developed, a primary goal was to identify a land exchange package that was absent of environmental resource concerns. Once the conceptual exchange lands were agreed to by the agencies, both literature reviews and on the ground surveys were conducted by professional staff. The analysis was rigorous and included a mix of private independent contractors hired by the City of Boise and professional staff from Idaho Department of Lands and the Clearwater National Forest where the bulk of the federal parcels are located.

After completing the evaluation of the federal parcels to be conveyed to the state, a series of public forums were conducted to solicit public comment. First, meetings were held with County Commissioners to gauge their support. Next, public participation was solicited through a series of open house forums.

Notifications were mailed to federal agency lists throughout the state. Senator Larry Craig, Congressman Butch Otter, and Governor Dirk Kempthorne held a joint news conference to advertise the opportunity to comment on the exchange. A website was developed by the city of Boise to provide information including copies of the proposed legislation, as well as the opportunity to comment. Public open house meetings were held in the Idaho communities of Kellogg, St. Marie's, Moscow and Boise.

Tribal governments were also engaged to provide comment. Their principal concern was the ability to continue to hunt and fish on the federal parcels that would be conveyed to the state. The Idaho Department of Lands will honor this request.

While no public land use change is without some level of opposition, this exchange proposal enjoys overwhelming support in Idaho. The exchange encourages both common sense and improved economics. It makes sense for the State to increase revenues to the endowment while ensuring open space access to the citizens of its largest community. It makes sense and saves money to have publicly managed lands connected or contiguous for ecosystem-wide management. It makes sense to consolidate scattered parcels to streamline on the ground management activities. It makes sense for the State of Idaho and the federal government to have better access to prevent and battle invasive species and wildland fire. It makes sense to provide more recreational opportunities and access to our public lands for our citizens.

It is indeed rare to find the level of consensus demonstrated in support of this land exchange. From the environmental community to public officials to land managers, this is viewed as a win-win endeavor. The concept for this land exchange has been open, transparent, and has wide support throughout the state. This exchange is an example of how local, state, and federal partners can come together to collaboratively develop an exchange in which the public and the land are the ultimate beneficiaries. Consequently, I strongly urge your support in the passage of this legislation.

Senator CRAIG. Keith, thank you very much.

In part of your testimony, you've covered well the process that this effort has gone through. From the very beginning, I and others have insisted that it be a very open and transparent process, and that we assume that certainly most of the criteria of the National Environmental Policy Act be met even though land exchanges do not require that and Congress by its authority can legislate such land designation as it feels necessary and appropriate.

But at the same time, I think all of us realize the sensitivity of it, and as a result we proceeded. You briefly described some of that.



Would you reflect a little more on the public involvement, and the collaboration that went on that has brought us to a near-unanimous acceptance of this approach?

Mr. JOHNSON. Yes, certainly, Senator. I think you've characterized it very well, that although NEPA technically is not required, the way I've heard it characterized is the spirit of NEPA has been met, largely, through this process. Clearly, the city of Boise has led this endeavor, the voters of Idaho—or the voters of Boise—elected to tax themselves \$10 million to acquire, through purchase, as much open space land as they could. Those parcels that they're purchasing are next to the State parcels that we will be trading to the Federal Government to allow the spirit of what the city of Boise wanted to accomplish through that vote to happen. So, it will allow open space for recreational use, as well as reverb the view shed of the city of Boise in perpetuity.

You mentioned the public comment period, as I said in my statement, a website was created, public meetings were held throughout the State to allow folks to come and visit and to view maps and to get information and have their questions answered. We solicited comments from the Idaho Conservation League, the Nature Conservancy, the Kootenai Alliance—those environmental groups that typically, and often, have a contrary view to much of the land use decisions that are made in the State—and they have come together to work with us on this exchange, to make sure that it's open, that their questions are answered, and it hasn't been completely unanimous yet, but as you described, it is working toward a very comprehensive support for this exchange, and those environmental groups are on record now of not objecting to it, in most cases, supporting what is being proposed.

Senator CRAIG. Thank you for that explanation. I think it was thorough and appropriate, also. Some have grown frustrated by, but you also covered in your testimony very well, the role of the State, the State Land Board's authority under law and constitution, and the State lands involved, and that highest and best use, or value rate of return for the endowments can really not be achieved as they once were, because of the changed use of that land.

I found it fascinating, the thought went through my mind as you were testifying, 50, 100 years ago, that was a spring sheep range, and of course, that particular era of our livestock raising on our public lands in Idaho, and in the West, brought a population of people out of the Pyrenees, the Basque people who are now prominent, and dominant, in the State of Idaho. We are about to commence a Basque Festival in Boise, and it is second only to the one held in the Basque country of Spain. And all of it's a part of that culture, but I think that what this exchange and project demonstrates is the ability to be flexible and adjust as the use of the land changes over time. But the value of its openness, while changed, still has a high value to the community of Boise by their effort and their taxation.

Let me thank you very much for taking the time to be back here representing the State, and the State Land Board on this issue, we will move it now at this stage as expeditiously as we can so the

project can stay on time and on schedule. Thank you very much for being with us.

With that, we will leave the record open for 10 days for questions or additional comments that may come forward on the legislation involved in this hearing. With that, this subcommittee will stand adjourned.

[Whereupon, at 3:35 p.m., the hearing was adjourned.]

## APPENDIX

### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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PREPARED STATEMENT OF PAMELA PRIDE EATON, DEPUTY VICE PRESIDENT,  
PUBLIC LANDS CAMPAIGN, THE WILDERNESS SOCIETY, ON S. 1170

Thank you for the opportunity to provide testimony for the record of this hearing on S. 1170, the Fort Stanton-Snowy River National Cave Conservation Act. The cave system at Fort Stanton, especially the newly discovered “Snowy River” portion of the cave, is a unique and marvelous treasure, owned by the American people and managed by the Bureau of Land Management (BLM). It deserves special protection and we are delighted legislation to protect it is moving forward.

We want to thank Senators Domenici and Bingaman for their leadership in proposing legislation to safeguard this area. We look forward to working with the Senators and the Committee to improve S. 1170 to ensure that this national treasure is adequately protected.

#### THE NATIONAL LANDSCAPE CONSERVATION SYSTEM

The Fort Stanton-Snowy River Cave National Conservation Area would be a valuable addition to the National Landscape Conservation System (NLCS). The National Landscape Conservation System encompasses 26 million acres in 12 western states, including National Conservation Areas, National Monuments and wilderness areas. It embraces an astonishing array of historic sites ranging from Native American pueblos to traces of frontier-era migration routes. The Fort Stanton-Snowy River Cave National Conservation Area would add a unique dimension to this system of national treasures.

#### S. 1170

We strongly support the protection of the Fort Stanton-Snowy River Cave complex and other caves in the Fort Stanton area through the designation of a National Conservation Area (NCA). S. 1170 should be improved in a number of ways to ensure that the magnificent resources of the cave complex—and the lands of the Fort Stanton Area of Critical Environmental Concern (ACEC) of which they are a part—are adequately protected for all Americans.

#### SIZE OF THE CONSERVATION AREA

S. 1170 limits the Conservation area to “the minimum subsurface area necessary to provide for the Fort Stanton Cave, including the Snowy River passage in its entirety (which may include other significant caves).” It also limits the surface area protected to “the minimum surface acreage . . . that is necessary to provide access to the cave entrance.” These boundaries and constraints are insufficient to adequately protect the cave resource and the associated surface lands in the Fort Stanton ACEC and should be changed.

#### *Subsurface protection*

The full extent of the Fort Stanton cave system has not yet been determined. As the BLM testified, “scientists and cavers tell us that they expect many more miles of cave passages are left to be explored” (Testimony of Lawrence E. Benna, Deputy Director, Operations, BLM, July 20, 2005). Also, there are numerous other caves within the Fort Stanton area which contain significant cultural resources that are being studied. S. 1170 should allow for the inclusion of all caves and passages on federal lands in the Fort Stanton area—known and not yet known—in the National Conservation Area. The bill should ensure that all new cave discoveries on federal land that are part of the Fort Stanton-Snowy River Cave complex are automatically added to the NCA.

*Surface protection*

S. 1170 should also protect all federally-owned surface areas above the caves and the surface lands should be managed consistent with the standards for National Conservation Areas. BLM notes in its testimony that “[w]hile in many places the cave system is 60 to 100 feet below the ground, in other places tree roots have been observed suggesting a close proximity to the surface. Some surface activities could affect the cave environment if safeguards are not in place.” As currently drafted, Section 4, Subsection D(1)(B) says the NCA designation cannot preclude “any activity or use, including new uses, on the surface land above the Conservation Area or on any land appurtenant to that surface land.” This language should be removed and all federally-owned surface lands associated with the cave should be included in the NCA.

The Fort Stanton-Snowy River Cave area should be made a National Conservation Area, consistent with other such designations and the “critical elements” outlined by Deputy BLM Director Benna in his testimony on July 20, 2005. According to Benna, “[e]ach of the NCA’s designated by Congress and managed by the BLM is unique. However, for the most part they have certain critical elements, these include: public land, mining[] and mineral leasing law withdrawal, [off-highway vehicle] use limitations, and language which charges the Secretary to allow only those uses that further the purposes for which the NCA is established. Furthermore, NCA proposals do not diminish the protections that currently apply to the lands.” Meeting the critical elements includes insuring that sufficient surface lands are withdrawn to appropriately manage the resource, that those lands are managed to conserve the NCA’s resources, and that at least management is as or more protective as the current management standards for the area, contained in the management prescriptions for the Fort Stanton ACEC.

## FORT STANTON ACEC

Ideally, S. 1170 should protect the whole Fort Stanton ACEC. This 24,630-acre area encompasses outstanding biological, archeological, and scenic qualities, including the Fort Stanton-Snowy River Cave and the Feather Cave Archeological Complex, which includes Feather Cave, Lower Stanton Pueblo Ruin, and Indian Shelter Cave. Designation of the entire Fort Stanton ACEC as an NCA would protect the known and yet to be discovered portions of the Fort Stanton-Snowy River Cave complex and the other important values of the ACEC. The ACEC does not include the State-owned hospital, prison, or the Sierra Blanca Airport, all of which are within the boundary but not included in the acreage or affected by federal land designations.

Fort Stanton ACEC is already withdrawn from the general mining laws, and closed to the disposal of leasable minerals and to the leasing of oil and gas. It is protected from other developments, such as major rights-of-way. Vehicle use is restricted to designated roads and trails. Fort Stanton is a “Special Recreation Management Area” with emphasis on providing quality recreational opportunities, while protecting riparian and wildlife resources.

This entire special area should be encompassed in the Fort Stanton-Snowy River Cave National Conservation Area created by S. 1170.

## NAMING THE NATIONAL CONSERVATION AREA

S. 1170 would create the “Fort Stanton-Snowy River National Cave Conservation Area.” We believe the name should be consistent with the naming of other conservation areas managed by the Bureau of Land Management. That is, the name should be the “Fort Stanton-Snowy River Cave National Conservation Area.” S. 1170 implies that it is creating a new class of “Cave Conservation Areas.” This is unnecessary and could be confusing to the public, who may already struggle to understand the various categories of public lands in the National Landscape Conservation System.

## WATER RESOURCES

S. 1170 denies a federal reserved water right for this National Conservation Area. Because water was essential in the formation of the Snowy River Cave and continues to shape the features that give the Snowy River Cave its name, S. 1170 should be modified to direct the BLM to ensure that water resources are secured as necessary to protect the continuing dynamics of the cave and its features.

## CONCLUSION

We strongly support the protection of the Snowy River Cave system and the Fort Stanton ACEC. We urge the committee to expand its vision for this area and protect the full array of resources and lands encompassed in the Fort Stanton ACEC. We look forward to working with Senators Domenici and Bingaman and others on the Committee to protect this area which is so important to New Mexicans and all Americans by adding it to the National Landscape Conservation System as a National Conservation Area.

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PREPARED STATEMENT OF JEFF PARKER, ADMINISTRATIVE DIRECTOR,  
NORTHWEST YOUTH CORPS, EUGENE, OR

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to submit testimony for the record in support of S. 1238, the Public Lands Corps Healthy Forests Restoration Act of 2005. I want to thank Senators Feinstein, Domenici, and Bingaman for their leadership in this process.

I am the Administrative Director of the Northwest Youth Corps (NYC). The NYC is headquartered in Oregon but also does work in Idaho, Washington State, and California. I am also testifying on behalf of the National Association of Service and Conservation Corps (NASCC) which represents the corps movement in Washington and consists of more than 100 corps, enrolling 23,000 corpsmembers in 37 states and the District of Columbia. I have attached detailed descriptions of the NYC and NASCC for the record.\*

Because this bill differs in certain key respects from earlier versions, I will summarize its key provisions. First, it authorizes the Interior and Agriculture Secretaries to enter into contracts or cooperative agreements with conservation corps to carry out appropriate conservation projects which are defined as "any project for the conservation, restoration, construction or rehabilitation of natural, cultural, historic, archeological, recreational, or scenic resources."

Second, it establishes a priority for projects that will reduce the risk of wildfire to a community, municipal water supply, or other at-risk Federal land; protect watersheds or address threats to the health of forests and rangeland; address the impact of insect or disease infestation or other damaging agents; and protect, restore, and enhance components of forest ecosystems to promote the recovery of threatened and endangered species, improve biological diversity, and enhance productivity and carbon sequestration.

It also establishes two preferences. For appropriate conservation projects, the Secretary "may" give preference to a qualified corps that has a substantial portion of members who are economically, physically, or educationally disadvantaged. For priority projects, the Secretary "shall, to the maximum extent practicable" give preference to a qualified corps that has a substantial portion of members who are economically, physically, or educationally disadvantaged.

Fourth, it gives the Secretary discretion to grant credit for time served in the Public Lands Corps toward future Federal hiring and to provide non-competitive hiring status for Corps alumni for up to 120 days.

Fifth, the government may not pay more than 75 percent of the cost of any project. The remaining 25 percent may be provided in cash or in-kind from non-federal sources.

Finally, it authorizes \$15 million per year, of which \$10 million is to carry out priority projects.

I would like to note that on July 14, 2005 the Administration expressed its support for H.R. 2875, identical legislation, in testimony before the Subcommittee on Forests and Forest Health of the House Resources Committee.

Based on the Northwest Youth Corps' work and reports from my colleagues around the country, it is clear that corps have an important role to play in preventing forest fires and other natural disasters, providing appropriate assistance to communities threatened by such disasters, and helping them recover from the devastation that occurs.

As of July 6, nine states—Alaska, Arizona, California, Colorado, Nevada, New Mexico, Texas, Utah, and Washington—had reported large, active fires. About 324 large fires have been contained this year. In addition to these large fires, the National Interagency Fire Center reported that almost 32,000 fires have consumed about three million acres since January 1. In 2004, some 77,534 reported fires burned 6,790,692 acres. Federal government agencies spent \$890 million to suppress them.

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\* Retained in subcommittee files.

In 2004 the National Fire News noted that “as firefighters control wildland fires, another group of quiet heroes move into the area to start the healing. After a wildland fire, the land may need stabilization to prevent loss of topsoil through erosion and prevent the movement of dirt into rivers and streams. Land management specialists and volunteers jump start the renewal of plant life through seeding and planting with annuals, trees, and native species that help retain soils and fight invasive weeds. It’s a long term process that comes alive as the wildland fires die down.”

This is exactly the kind of work at which corps excel:

- In 2004, the Montana Conservation Corps (MCC) completed over 600 acres of wildfire fuels reduction projects in partnership with Yellowstone National Park, with state agencies on private lands, and with local conservation districts. Its priority has been to create defensible space around historic buildings in the national parks and around campgrounds. At Big Hole National Historic Battlefield, MCC crews thinned areas of woodlands adjacent to national forest lands to protect the cultural resources from catastrophic wildfires. In West Yellowstone, MCC partnered with the Chamber of Commerce to remove 300 hazardous trees lining the popular Rendezvous Ski Trails, site of national ski races, and an important economic asset in a community trying to diversify from the traditional snowmobile-based economy. MCC is working to sign agreements to work with BAER (Burned Area Emergency Recovery) teams to complete post-fire emergency restoration activities including erosion control, hazardous tree removal, tree planting, trail maintenance, and stream restoration.
- In 2004, NYC Corpsmembers built or maintained 448 miles of trail, pruned 105 acres of conifers, performed fuel reduction on 181 acres, planted 6,550 trees, and restored 28 acres of wetlands.
- In the summer of 2003, the Rocky Mountain Youth Corps (Colorado) thinned almost 175 acres in Rocky Mountain National Park and Medicine Bow/Routt National Forest and rehabilitated another 155 acres in Rocky Mountain National Park. In June and July, 2003 Lathrop State Park, it felled 664 trees, maintained 360 feet of fence, and eradicated weeds from 60 acres.
- In 2003, the Utah Conservation Corps did thinning in a wild land fire-urban interface zone outside of Park City that was a partnership between a homeowner’s association and Utah Department of Forestry. In the past, it has carried out “soil stabilization” projects in the Bridger-Teton National Forest that included the rehabilitation and re-routing of trail in burn areas and building drainage structures.
- In 2003, the Youth Corps of Southern Arizona have partnered with Apache-Sitgreaves National Forest, the Coronado National Forest, and Chiricahua National Monument. Corpsmembers cut and piled excess fuels in preparation for a burn as part of a hazardous fuel reduction project. They also thinned and removed trees for habitat improvement in the Apache-Sitgreaves. The YCOSA worked with Ramsay Canyon, a facility of The Nature Conservancy in southern Arizona to remove hazardous, flammable material from buildings. Work to create defensible space was conducted several weeks prior to a fire and the Corps has received credit for saving the buildings. Crews have also been sent to fires on BLM and USFS areas in Wyoming and Arizona.
- The Coconino Rural Environment Corps located in Flagstaff, Arizona thins hundreds of acres of federal, state, county, city, and private lands every year. The Corps has created multiple partnerships in local communities to mitigate the hazards of catastrophic wild fires. The Partnership also provided the local Native American Reservations with more than 400 cords of fire wood. Working with County and City Waste Management, the partnership found a way to transport fire wood to community members in need with little to no cost to the project. The partnerships have also increased community awareness to the dangers of wildfire and the risks that may be associated with living in one of the most fire prone forests in the world, thus creating a more fire wise community. The CREC thins more than 500 acres a year and returns more than 4000 acres to native grasslands. Forest restoration has also been a large portion of the forestry work CREC has done over the last several years.
- The Western Colorado Conservation Corps (WCCC) has done access and egress in urban interface in the Black Canyon of the Gunnison National Park housing area to insure safe passage for emergency response workers. Corpsmembers have been trained in firescaping around new suburban neighborhoods as cities spread into rural areas. They help to provide both visually aesthetic and fire resistant landscape around structures of value and along the avenues of emergency response.

- In 2003, the Minnesota Conservation Corps responded to 45 wildfires that totaled 30,656 acres. It completed 920 home and property assessments (fire wise) relating to wildfire danger and defensible space and made recommendations to the home owners on how to make their property safer in the event of a wildfire. Corpsmembers also provided about 8,720 hours in indirect fire suppression activities including 5 miles of fire break construction, 400 acres of timber stand improvement, and 5,560 acres of prescribed burns. In any given year MCC plants 150,000 plus trees in areas that may or may not have been impacted by previous fires. MCC also completes 150 Forest Inventory Analysis (FIA) plots each year for the Minnesota Department of natural resources Division of Forestry. These plots are then used in a variety of Forestry models including a wildfire model.
- The California Conservation Corps (CCC) is the nation's oldest, largest and longest-running youth conservation corps. Nearly 90,000 young men and women have worked more than 50 million hours to protect and enhance California's environment and communities and have provided six million hours of assistance with emergencies like fires, floods and earthquakes. Last June the CCC laid plastic and sandbags on Delta levees to prevent flooding; fought fires in Santa Barbara and Madera counties and surveyed for the glassy-winged sharpshooter (a major agricultural pest that has caused the loss of millions of dollars to wine grape growers). At the request of the San Joaquin County Office of Emergency Services and the state Department of Water Resources, 15 crews placed heavy plastic sheeting and sandbags to protect 13.5 miles of interior levees not designed to hold flood waters. Twelve Corps sent crews to fight floods. At the same time the CCC responded to the Delta levees, three crews were dispatched to the Gaviota Fire in Santa Barbara County. Corpsmembers also provided the California Department of Forestry and Fire Protection with logistical support. As crews finished up with the Gaviota Fire, the CCC was called upon to respond to the Source Fire in the Sierra National Forest, under the direction of the U.S. Forest Service. Fresno and Pomona corpsmembers provided assistance at the fire camp.

As you can see from these examples, corps have experience working with federal, state, and local land management agencies. Indeed, the Forest Service invested \$4.2 million in partnerships with Corps and leveraged an additional \$2.4 million in match.

S. 1238 will provide the federal government with the resources necessary to continue to utilize corps and cost-effectively fight wildfires.

Invasive species are another large and growing threat to our public lands across the nation. Up to 46 percent of the plants and animals listed as endangered species by the federal government have been negatively affected by invasive species. Purple loosestrife diminishes waterfowl habitats, alters wetland structure and function, and chokes out native plants. The Asian longhorned beetle is causing the destruction of valuable city trees and could spread to forests. Nutria is devastating large portions of wetland ecosystems.

Invasive plants are estimated to infest 100 million acres in the United States. Every year, they spread across three million additional acres, an area twice the size of Delaware. According to a Bureau of Land Management study (1996) up to 4,600 acres of additional Federal public natural areas in the Western continental United States are negatively affected by invasive plant species every day. One report indicates that the economic cost of invasive species to Americans is an estimated \$137 billion every year.

Corps have also been mobilized in California, Montana, Colorado, New Mexico, and elsewhere to fight invasive species; a growing problem on our public lands across the nation. For example:

- The Rocky Mountain Youth Corps (RMYC), based in Taos and the Western Colorado Conservation Corps (WCCC), based in Grand Junction, Colorado, have been actively involved in tamarisk removal for several years. This year and last, the WCCC has partnered with the Colorado State Parks Department and the state Division of Wildlife, the Audubon Society, and the Tamarisk Coalition to control 28 acres of Tamarisk and Russian Olive, 7 acres of Hounds Tongue, Canada Thistle and other species, as well as 15 miles of Salsafy, Russian Thistle, Storks Bill and other species.
- Last August, Colorado's Rock Mountain Youth Corps based in Steamboat Springs removed 1550 Tamarisk trees from the Dinosaur National Monument. In August 2003, corpsmembers more than 10,000 square feet of Tamarisk and poisoned the stumps.
- The Northwest Youth Corps removed noxious weeds from 1,537 acres.

- The Montana Conservation Corps is partnering with the National Forest Foundation, Gallatin National Forest, and Gallatin/Big Sky Weed Management Area Committee to undertake an extensive invasive weed mapping and removal project in the Lee Metcalf Wilderness. The project will include: creating an inventory (GPS/photos), hand-pulling, reseeding, biological controls and spot spraying of noxious weeds by a crew of seven young adults for four weeks at 12 trailheads, 24 backcountry campsites and along 124 miles of trails in the northern unit of the Lee Metcalf Wilderness. In 2003, in partnership with the Charles M. Russell National Wildlife Refuge (USFWS), MCC floated sections of the Missouri Breaks Wild and Scenic River to inventory and map patches of invasive Leafy Spurge using hand-held GPS units and data loggers. The crews collected thousands of Flea Beetles, a tested and successful biological control method for leafy spurge, and returned to the surveyed sites to release the flea beetles in the most sensitive areas.

While targeting fires and invasive species, S. 1238 provides disadvantaged youth with an opportunity to help themselves by helping their communities by supporting programs like the Southwest Youth Corps' (Colorado) Fire Careers Training Program. The program which started in September 2004 has two goals. First, it trains young people 18-25 for careers in the wildland fire management industry. Second, it helps to reduce the threat of fires by providing wildfire prevention and mitigation services. In addition to training, participants completed more than 7,000 hours of significant fire prevention projects in Utah, Colorado, and New Mexico.

In a recent class nine young adults completed the program which includes S212 chainsaw training, S130/190 introduction basic wildland firefighting, and between 300 and 900 hours of on-the-job training. All nine obtained jobs at the conclusion of the program. Six of the participants obtained jobs directly with federal agencies, local mitigation companies, and other youth corps that is directly related to their experience and training.

According to Allen Farnsworth, the BLM Fire Mitigation and Education Specialist for the San Juan Public Lands Center in Durango, Colorado “. . . participants got some new life skills that will help them get decent paying jobs, the agencies got to assist one of our non-profit partners by providing training, and the wildland fire industry has a trained and energetic employee pool to pick from. It doesn't get much better than that.”

A current Rocky Mountain Youth Corps of Colorado (RMYC) project with the Department of Wildlife in Yampa River State Park in Hot Sulphur Springs provided chainsaw training for 20 conservation corps mentors who were then placed throughout RMYC crews and utilized for further fuels reduction projects. Corpsmembers thin forests comprised mainly of cottonwoods.

Service and conservation Corps are descended from the Civilian Conservation Corps (CCC) of the Depression era, and are established pathways to re-integrate vulnerable young people into society. They engage primarily young people ages 16-25 in service, training, and educational activities. The corps model places young people under the leadership of adult leaders who serve as mentors and role models.

In return for their efforts to restore and strengthen communities, corpsmembers receive: a stipend, classroom education to improve basic competencies and secure credentials, technical skills training, and supportive services. Young men and women learn to value their personal contribution, learn the importance of teamwork and experience the recognition that comes from making a positive investment in their community.

Approximately 60 percent of NASCC corpsmembers are young people of color, half enroll without a high school diploma or GED and 55 percent come from homes where the annual income is less than \$15,000. A rigorous, random assignment evaluation conducted by Abt Associates/Brandeis University reported that significant employment and earnings gains accrue to young people who join a corps and that they are significantly less likely to engage in anti-social behavior. Corps also generate a positive return on investment.

S. 1238 provides needed additional resources to meet the challenges posed by forest fires, invasive species, and other threats to our ecosystem. Enactment of this bill and the funding that it authorizes will enable us to do more.

Thank you for the opportunity to submit testimony on this important piece of legislation.